

Cable, Consumer Groups Fight For Next-Gen TV Safeguards

Groups representing cable programmers and consumers are pushing the Federal Communications Commission to rethink some aspects of its newly approved next-generation TV broadcasting standard, saying the agency neglected safeguards to ensure continued viewership and reasonable retransmission rates. [Read more »](#)

FCC Commish Urges Use Of 911 Taxes For Emergencies Only

The Federal Communications Commission's Michael O'Rielly doubled down in a statement released Wednesday on his call for states to stop diverting 911 emergency taxes collected on monthly telephone bills to other purposes, a practice he has called "despicable" and dishonest and deemed a threat to public safety. [Read more »](#)

WHITE COLLAR

Philly Political Consultant Pleads Guilty To Tax Evasion

A political consultant with ties to a convicted Philadelphia district attorney pled guilty Wednesday to one count of tax evasion for failing to file personal income taxes for four years and later trying to conceal some of his income from those years when he finally did file returns, according to a press release. [Read more »](#)

CIVIL RIGHTS

11th Circ. Stays Order To Reform Fla. Felon Voter Restoration

The Eleventh Circuit on Wednesday granted Gov. Rick Scott's request to stay an order requiring him to establish a new, uniform system for restoring voting rights to felons. [Read more »](#)

PEOPLE

McNees Wallace Hires Atty With Gambling Industry Expertise

Pennsylvania firm McNees Wallace & Nurick LLC has hired an of counsel attorney with experience in the gambling industry to join its litigation, public sector, white collar defense and internal investigations practice groups. [Read more »](#)

EXPERT ANALYSIS

Calibrating Structural And Decisional Independence For ALJs

When the solicitor general agreed with Raymond Lucia's argument that the U.S. Securities and Exchange Commission itself must appoint administrative law judges to conform with the appointments clause, the result in *Lucia v. SEC* seemed foreseeable. But oral arguments this week suggest that the U.S. Supreme Court justices may be more divided than expected, says professor Harold Krent of IIT Chicago-Kent College of Law. [Read more »](#)

What's Next For GHG And Fuel Economy Regulation?

While the U.S. Environmental Protection Agency's recent announcement that it will reconsider Obama-era automobile greenhouse gas emissions standards is generating controversy, it was not unexpected, say Jackie Glassman and Rachel Tennis of King & Spalding LLP. [Read more »](#)

Bankruptcy Venue Reform Not Likely To Happen This Year

Despite a bankruptcy venue reform bill introduced earlier this year, it appears that the prime venue choices for Chapter 11 cases — Delaware and the Southern District of New York — can rest easy, at least for now, says Mark Salzberg of Squire Patton Boggs LLP. [Read more »](#)

Key Employer Takeaways From DOL's New Opinion Letters

The U.S. Department of Labor's Wage and Hour Division recently returned to its practice of laying out its positions on certain issues with opinion letters. While they are intended to serve as guidance based exclusively on specific facts, the general principles in the letters are applicable to all covered employers, say Tammy Daub and Daniel Emam of Paul Hastings LLP. [Read more »](#)

The Carbon Tax Could Come Soon To A State Near You

Despite recent setbacks in state legislatures, this year's carbon tax push has been the most successful in American history and demonstrates that it is a policy which has carved a place in our political landscape, says Ryan Maness, tax counsel at government relations services firm MultiState Associates Inc. [Read more »](#)

Opinion

The Historic Legal Blunder That Enabled Our Gun Epidemic

In a recent op-ed, former U.S. Supreme Court Justice John Paul Stevens called for repealing the Second Amendment to help combat our nation's gun epidemic. Actually, it is the high court's ruling in *District of Columbia v. Heller* that is the problem. And it is only one court case away from being renounced as the historic blunder it is, says Robert W. Ludwig, counsel for the American Enlightenment Project. [Read more »](#)

LEGAL INDUSTRY

Feature

3 Ways To Make Yourself An Attractive Lateral Candidate

BigLaw partners are often exceptionally good at practicing the law and serving clients, but when it comes to selling themselves to potential suitors while contemplating a lateral

move, they're not always so skilled. Read more »

Analysis

Judges Face Tough Choices In Fighting Political Attacks

A recent push in two states to remove judges over controversial decisions and efforts to limit court authority through legislation in more than a dozen others represent a kind of Catch-22 for courts looking to publicly defend their independence while trying to remain out of the political fray, experts said. Read more »

Corporate Attys Increasingly Steering Biz Strategy, GCs Say

A corporate law department is expected to be at the forefront of the changes a business needs to make, not acting passively and waiting to be engaged, which historically was the case, a panel of general counsel from three technology companies said on Wednesday. Read more »

Proposed Calif. Rule To Release Sex Deals Involving Judges

A proposed California court rules change released Tuesday by a group convened by Chief Justice Tani Cantil-Sakauye would mandate public disclosure of settlements resolving sexual harassment or discrimination complaints against judges or other court employees, but it doesn't require agreements to identify the accused judicial officer. Read more »

Farmers Say Firms Tricked Them Out Of GMO Settlements

A group of North Dakota farmers accused a Texas law firm and co-counsel of tricking 60,000 farmers into signing a 40 percent contingency fee agreement in underlying multidistrict litigation over Syngenta AG's genetically modified corn seed before secretly excluding them from other suits, in a putative

class action filed in Minnesota federal court
Tuesday. Read more »

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From: State Legislators' Article V Caucus
Sent: Monday, April 30, 2018 6:46 PM
To: Rep93
Subject: State Legislators are the Only Hope for Avoiding Federal Fiscal Disaster

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STATE LEGISLATORS
ARTICLE V
CAUCUS

Newsletter - Edition 64 May 2018

Providing Article V / Federalism News and Scholarly Resources Since 2013

This month...

- **Who Says America's Fiscal Condition Spells Trouble?**

As reflected below... a wide range of individuals and organizations do:
American Enterprise Institute, The CBO Director, the New York Times,
the

Peter G. Peterson Foundation, Former Utah Congressman Jason Chaffetz, Former US Senator Gregg, The Hill, Heartland Institute, the American Legislative Exchange Council, Americans for Tax Reform, the Center for Freedom and Prosperity, FreedomWorks, and the BBA Task Force... just to name a few!

- **'Swiss Debt Brake' Gets Increased Attention**

- **Article V Expert Address the AV Fear Campaign**
- **Former Eagle Forum Leader Changed Her Position on AV**
- **Article V Legislative Progress Report: An Update**

AEI Report: Federal Fiscal Complacency is Now Dangerous –

"The Congressional Budget Office's latest forecast makes a convincing case that fiscal complacency is now dangerous for the U.S. economy," says James C. Capretta at the American Enterprise Institute in an April 13 report.

His review of the most recent Congressional Budget Office (CBO) study indicates *"the federal government will borrow an additional \$12.4 trillion over the next 10 years. At the end of 2028, the federal government will have outstanding debt of \$28.7 trillion, or 96 percent of GDP. Ten years ago, federal debt was equal to 39 percent of GDP."*

Capretta says there is a case to be made for a balanced budget amendment. Read his report [HERE](#).

CNBC Report: 'Debt is About to Explode' –

A CNBC report on the above-referenced CBO report carried a quote by CBO Director Keith Hall: *"Such high and rising debt would have serious consequences for the budget and the nation ... The likelihood of a fiscal crisis for the United States will increase."*

Read that April 9 article [HERE](#).

NY Times: 'Deficit Fuels Fear of Crisis' –

NY Times writer Thomas Kaplan says that by 2028 *"debt held by the public will almost match the size of the nation's economy ... a higher level than any point since just after World War II and well past the level that economists say could court a crisis."*

Kaplan quotes Michael A. Peterson, president and chief executive of the Peter G. Peterson Foundation, which advocates reining in budget deficits, as saying the CBO report *"confirms that major damage was done to our fiscal outlook in just the past few months."*

He adds another quote from CBO Director Hall as saying that *"beyond a decade, the debt would continue to rise compared with the size of the economy. He warned of the possible consequences if lawmakers put off addressing the trajectory of the government's finances. 'The longer you wait, the more draconian the measures have to be to fix the problem'."*

Read the entire NY Times article [HERE](#).

Jason Chaffetz: Give States the Opportunity to Vote on a BBA –

FOX News.com has carried an article by former Utah Congressman Jason Chaffetz entitled *"10 Things Congress Should Do, But Won't"*. Chaffetz says, *"Congress is on the clock. Time is ticking. Here are ten actions Congress should take now to truly do the work of the American people, but they won't."*

One of Chaffetz's suggestions was: *"Give the states the opportunity to vote on whether Congress should be subject to balancing the federal budget. We will never reign in spending until the American people have to pay for what we're actually spending. ... If two-thirds of the states want Congress to balance the budget, then they'll have a mandate to do it."*

Read Chaffetz's full list of suggestions [HERE](#).

Former US Senator Gregg: 'We're Headed Over a Cliff' –

During April Judd Gregg (a former New Hampshire Governor and former US Senator), who once served as chair of the US Senate Budget Committee, appeared on radio station WBUR (Boston) where he said: *"We're headed over a cliff as a nation."*

Reacting to the recent CBO report Gregg is quoted as saying, *"[It means that] at some point in the future, we're gonna have a fiscal issue that's very significant, some sort of fiscal crisis, and that we'll inevitably pass onto our children a lower standard of living, because they'll have to pay down all this debt that we've run up during our generation and pass that debt onto them. And that will reduce their standard of living, and it's not right. We should be much more fiscally responsible than we're being as a government."*

Senator Gregg is affiliated with the [Campaign to Fix the Debt](#), and recently joined the board of the [BBA Foundation](#). Listen to the Gregg interview [HERE](#).

The Hill: Congressional BBA Sought 'Lipstick on a Pig' –

Just before the US House voted on its version of a BBA, **The Hill** carried an article entitled: ***"GOP Amendment Tries to put Lipstick on Our Budget Pig"***. After the authors finished deriding the proposal (which did not pass), they offered some observations.

They pointed out that *"not all balanced budget amendments are created equal, and even if this one were to pass ... it leaves much to be desired."* Among other deficiencies, the recently considered Congressionally-proposed BBA was not self-enforcing.

The authors noted that *"any reasonable balanced budget amendment should aim not to end federal borrowing entirely, but to deter such borrowing absent exigent*

circumstances.” They said, “The key to an effective BBA is language that enforces a balanced budget over time without mandating one. Many proposals exist for doing just this, complete with penalties when Congress doesn’t abide.”

Read their entire opinion piece [HERE](#).

Heartland Institute: ‘Fake BBA is an Insult to Conservatives’ –

A commentary produced by Heartland Institute’s Justin Haskins, published by The Blaze on April 16, right after the US House failed to advance its proposed BBA, carried this headline: ***“GOP’s Fake Balanced Budget Amendment Plan is an Insult to Conservatives Everywhere”***.

Haskins said, *“the proposed amendment include(d), in the words of conservative Rep. Thomas Massie (R-Ky.), ‘a loophole you can drive a truck through’: If three-fifths of both houses of Congress approve, unbalanced budgets could be passed without delay. The reason Congress, whether it’s run by Republicans or Democrats, will likely never pass a balanced budget amendment is because most members of Congress have a strong personal incentive to continue to run large deficits.”*

The author suggests that *“A balanced budget amendment is the only way to ensure the federal government acts responsibly. At this point, nothing else will work. But if Congress has no intention of passing a (meaningful) balanced budget amendment, how will this problem ever get resolved?”*

Haskins concludes, *“America’s only hope of averting fiscal disaster rests with a handful of states that have yet to pass balanced budget amendment applications.”*

Read Haskins’ commentary [HERE](#).

ALEC Calls for Congress to Support an Article V Convention –

Just before the US House voted on its version of a BBA, the **American Legislative Exchange Council (ALEC)** sent a letter to House Speaker Ryan and Senate President McConnell. The letter, over the signature of ALEC President Lisa Nelson was formally endorsed by 10 other organizations including Americans for Tax Reform, the Center for Freedom and Prosperity, FreedomWorks, and the BBA Task Force.

Headlined ***“Congress Needs to Get Serious About Balancing the Federal Budget,”*** the letter said, *“The Congress, clearly unable to shake its overspending habit ~~so~~ (should) exercise its constitutional power under Article V to empower the states to draft, and the people to ratify, a Balanced Budget Amendment to the U.S. Constitution.”*

In addition to encouraging the states to meet in convention to draft and propose new fiscal restraints on the federal government, the letter stressed its suggestion that any proposed BBA proposal should be sent to state conventions for ratification. It said: *“the citizens of the United States of America should decide if they want to ratify a BBA that could be designed by their state representatives. In calling for a convention of the states, Congress could honor the principles of federalism and empower the American people to create a fiscally solvent future.”*

Read the entire ALEC letter [HERE](#).

‘Swiss Debt Brake’ Gets Increased Attention –

On April 4 the **Heritage Foundation** hosted a panel discussion ***entitled “Hitting the Brakes on Overspending and Debt”***. The event highlighted the fiscal rules employed by the Swiss government to restrain national debt and expand its economy.

Participants included Jan-Egbert Sturm, Chairman of the Swiss Debt Brake Group of Experts; Barry W. Poulson, Emeritus Professor of Economics, University of Colorado and co-author of ***Can the Debt Growth Be Stopped?***; and Ryan Bourne, R. Evan Scharf Chair for the Public Understanding of Economics, Cato Institute.

The entire hour-long discussion... focused on how a variation of the Swiss Debt Brake fiscal rules could be applied to the US government... can be watched/heard [HERE](#).

A related article by Daniel J. Mitchell of the Cato Institute entitled ***"How the Swiss 'Debt Brake' Tamed Government"*** was published on April 26 by the **Wall Street Journal**. It can be read [HERE](#).

ALSO RELATED: The April 13 edition of **Investor's Business Daily** carried a commentary by Dr. Poulson and his associate John Merrifield, entitled, ***"Closing the Debt-Driven Fiscal Gap Just Got Harder,"*** the piece can be read [HERE](#).

Article V Expert Addresses AV Fear Campaign –

The April 2 edition of **The Hill** carried an article by Professor Rob Natelson entitled ***"Convention for proposing amendments not as scary as big government advocates suggest"***.

Natelson's excellent article addresses the *"renewal and quickening of a 50-year old campaign to dissuade Americans from calling a convention for proposing constitutional amendments."* He points out that the campaign *"uses fear and disinformation to discourage citizens from exercising an important constitutional right."*

He also follows-up with logic and good reasons for ignoring such misinformation and fear. Read his piece [HERE](#).

Former Eagle Forum Leader Changed Her Position on Article V –

Laurie Lister Frost, a previous President of the Schole, AZ (130 miles NE of Phoenix) Eagle Forum Chapter, was a close friend of Eagle Forum founder Phyllis Schlafly. She suggests that “the Con Con” fears’ of many Eagle Forum members are misplaced.

Ms. Frost reports that after really studying Article V she has concluded that the founders *“gave us Article V in the Constitution to use as our biggest tool ... for proposing amendments to the Constitution... to strengthen the people, the states ... to rein-in the power of the central government.”* In a video released by the **Convention of States Project**, Ms. Frost calls on her fellow ‘Eagles’ to put aside unfounded fears.

“I have changed my view. It is simply because I have been educated.” About the founding fathers who wrote the Constitution, Ms. Frost says, *“We need to honor them... they laid everything on the line. This is something we can do to honor our legacy of freedom.”*

The CoSP video of Ms. Frost's comments can be seen [HERE](#).

The Article V Legislative Progress Report: An Update –

For the last few years Georgia Attorney David Guldenschuh has tracked Article V activity within state legislatures. His April 10 report shows that approximately 145 Article V items of Article V legislation have been introduced in 36 states this year.

Guldenschuh says, *“The lack of successes within the Article V movement in 2018 suggests that each group (except US Term Limits) may be reaching its ceiling with its current funding mechanism. More resources will be needed to find success, particularly since the anti-Article V groups - Common Cause, John Birch Society, Eagle Forum and others - appear to be better funded. The lack of success also harkens back to my 2015 warning in my Heartland Institute Policy Brief that the advocacy groups needed to do a better job of*

coordinating their efforts lest they begin to cancel each other out. There is likely an air of Article V burnout in some state legislatures that is further tamping down our successes."

See his entire commentary and current status report chart [HERE](#).

A Closing Thought -

Tench Coxe was a Pennsylvania merchant, delegate to the Annapolis Convention of 1786, and the co-author with Alexander Hamilton of the Report on Manufactures (1791). Leading up to ratification of the 1787 US Constitution, Mr. Coxe wrote an address to the members of the Virginia Ratification Convention. It appeared in the ***Pennsylvania Gazette*** of May 21, 1788... with these closing words:

**"They will remember the provision to obtain amendments,
and will recollect that the power will continue
with the people at large in all time to come."**

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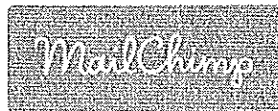
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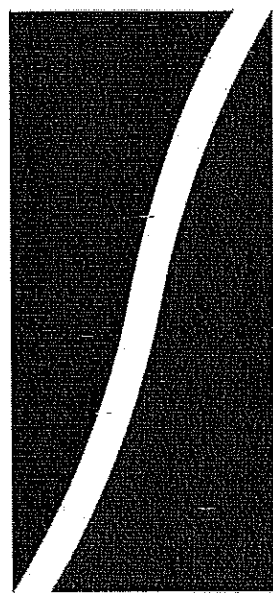
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From: Jeff Clayton

Sent: Tuesday, May 1, 2018 7:00 AM

To: Rep93

Subject: Arnold Foundation Admits the Truth: It Funded Lawsuits to End Money
Bail in Houston and Elsewhere



AMERICAN

BAIL COALITION

The Arnold Foundation and the "not so secret" mission to end
bail...

The Houston-based Laura and John Arnold Foundation has been going around the country promoting its Public Safety Assessment as the gold standard in scientifically sorting defendants into categories and then making recommendations as to what the conditions of release on bail should be.

Curiously, while the tool often recommends detention, the tool never recommends or even considers release on a bail bond. As a result, this “science” is then used to deny a critical constitutional right to bail.

The Arnold Foundation has long claimed that they are simply in the “objective” science business, not taking sides in the game except to provide judges better information so that they can confirm their “intuition.”

Arnold Foundation Launches Expansion of Public Safety Assessment Tool

The truth and only the truth. The Arnold Foundation admitted that it is funding the law to eliminate bail. In a recent article, it was noted that the Arnold Foundation is a “important ally in the legal effort to eliminate all financial conditions of bail.”

“Most notably, efforts funded by the MacArthur Foundation and the Laura and John Arnold Foundation have forged partnerships with local jurisdictions to change how the “front end” of the criminal justice system works, to reduce the number of people swept into the incarceration pipeline.” – With the Backing of Top Funders, This Group is Taking the Criminal Justice System to Court

There’s been a dramatic surge of new philanthropic giving in this space in recent years, with foundations moving strategically to tackle a decentralized challenge. Most notably, efforts funded by the MacArthur Foundation and the Laura and John Arnold Foundation have forged partnerships with local jurisdictions to change how the “front end” of the criminal justice system works, to reduce the number of people swept into the incarceration pipeline.

That’s where Civil Rights Corps comes in, an organization dedicated to challenging criminal justice abuses in court. It was founded just two years ago by a young lawyer named Alec Karakatsani, who teamed up with a more seasoned lawyer and nonprofit leader, Eric Halperin—now the CEO of the organization—staffed by a small but growing team of mostly attorneys. – Inside Philanthropy, April 24, 2019

Wait a minute, let’s think about this. The Arnold Foundation goes to Houston and convinces everyone that their neutral version of pretrial risk assessment is something that the County should use.

adopt – which they do – all while funding litigation against the very counties, including Harris County, which it provides services. Of course, The Civil Rights Corps, the proverbial legal witch hunt for the Arnold Foundation, carries out the marching orders for Arnold by suing the pants off of many jurisdictions.

How can any local official tell the constituents they serve that they have an objective vendor beyond us. This is a tool that is calibrated to achieve a specific political and legal result, that is absolutely clear.

We call on the Arnold Foundation to release all donation records immediately so that those who contract with the Arnold Foundation can become aware if Arnold is funding entities that seek to just say compel, the use of the Arnold Foundation tool when the constitutional right to bail is being denied due to the Arnold Foundation's efforts.

We believe the Arnold Foundation is completely tainted on this issue. What began as perhaps an unintentioned attempt to improve the pretrial release system in criminal justice under Anne Mitchell, former Vice President of Criminal Justice at the Laura and Arnold Foundation, is now nothing more than the think tank behind the wholesale destruction of accountable pretrial release. Arnold is the architect, validator, and implementor of their risk assessment instrument – while hiding behind the veil of a contract that every jurisdiction that uses the tool must sign.

The Foundation might as well come clean—their goal is to eliminate all financial conditions for bail, and they are spending money directly to make that a reality. Arnold needs to stop snowing local officials with their “awe-shucks, we’re just data scientists” routine. Obviously, this comes into question the objectivity of the tool itself, and should leave public officials thinking, what have we gotten ourselves into? A debacle, that’s what.

The Arnold Foundation has demonstrated an intent to deny the right to bail, and is therefore a conspirator in the attempt to trammel the constitutional right to bail for all Americans.

As we continue to expose this tainted Foundation, who is compiling records on millions of Americans with no oversight, we would encourage local officials to start asking hard questions. In Harris County,

Texas, where the County had to pay \$7 million to defend a lawsuit that their “free vendor” lit funded against them, we’re not sure they would be too happy with such a conflict of interest.

With the Arnold Foundation recently announcing the addition of over 200 more jurisdictions to participate in their “Safety and Justice Challenge,” how many more lawsuits will we see? How many more millions of records will Arnold compile at their New York clearinghouse of criminal information? How many more victims of violence will see their attacker freed on nothing more than just a promise to appear?

Jeff Clayton
Executive Director
American Bail Coalition

More about the American Bail Coalition...

The American Bail Coalition is the national trade association of commercial bail insurance underwriters whose members are licensed for underwriting criminal bail bonds throughout the United States of America.

The Coalition’s primary focus is to protect the constitutional right to bail by working with local and state policymakers to bring best practices to the system of release from custody pending trial.

Jeff Clayton, Esq. is the Executive Director/Policy Director and can be reached at jclayton@americanbail.org or (877) 958-6666.

Visit the American Bail Coalition



From: Brian Hicks
Sent: Tuesday, May 1, 2018 8:23 AM
To: Rep93-
Subject: Hicks Partners Newsletter



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May 1, 2018

Countdown to Ohio's Primary Election =

One week from today, Ohio voters will determine which candidates will face off in the race for Governor, U.S. Senate and a host of federal and state offices. As the primary election nears, the marquee races have clearly tightened. A recent poll shows Mike DeWine leading Mary Taylor by 43-26% in the GOP gubernatorial race, while Richard Cordray holds a 27.5-13% edge over his nearest rival, Dennis Kucinich. While upsets can occur, if the polls hold true, DeWine and Cordray will face off in the fall, giving Ohio voters a rematch of their 2010 race

for Attorney General, which DeWine won. In the GOP Senate primary, Congressman Jim Renacci, who scored a resounding endorsement from President Trump last week, is leading a multi-candidate field with 21% to take on Senator Sherrod Brown in the general election.



Other key races to watch will be contested primaries for the 12th and 16th Congressional Districts, respectively vacated by Pat Tiberi and currently held by Rep. Renacci. There are several contested primaries for the Ohio House of Representatives that could have an impact on who will be the next Speaker of the Ohio House.

INSIGHT

The first order of business for the winning candidates for governor will be to unite their respective parties. The DeWine-Taylor race has been especially hard hitting and personal, while the Democratic primary has shown deep ideological divisions in the party. Both gubernatorial nominees will have their work cut out for them to present a unified front for the fall campaign.

Ohio Tax Expenditure Review Committee

As previously reported within *Insider*, the Ohio Tax Expenditure Review Committee awoke last month, holding its first two hearings in months. A report released by the Buckeye Institute highlighting \$1.8 billion in annual tax loopholes drew widespread attention before the first hearing. However, testimony presented on April 11 primarily focused on tax exemptions for the manufacture and packaging of tangible personal property—something not included in the Institute's report. Industry interests bemoaned the possibility that Ohio would cease to be competitive in an

environment where most other states have similar exemptions. The April 25 hearing focused on energy and commercial food tax incentives. The next hearing is scheduled for May 9.

EPA Omnibus Bill



The Ohio legislature is gearing up to consider a series of environmental reforms. At the request of the Ohio Environmental Protection Agency the yet-to-be-introduced omnibus bill is expected to contain major changes to Ohio's state watersheds protection efforts, air permitting process, increased penalties for odor nuisances, and redefining "open dumping" among many other items to be included.

INSIGHT

With relatively few legislative sessions days scheduled in the coming months, it is unlikely that the EPA reform bill will be passed soon. However, introduction of such a comprehensive measure signals growing desire of Governor Kasich's EPA to enact reforms before they leave office.

Third Frontier Opiod RFP

Ohio's Third Frontier Program is actively seeking proposals for its Opioid Abuse, Prevention, and Treatment Technology initiative. The aim of the initiative is to accelerate the development and commercialization of promising new products that meaningfully address one or more issues associated with the drug crisis driven by use, misuse, abuse and the addictive potential of opioids. Details and more information can be found [here](#).

Opportunity Zone Update



Ohio is one of 20 states to have selected qualified sites for the new opportunity zone subsidy passed within last year's Tax Cuts and Jobs Act. The U.S. Treasury recently approved 320 zones in Ohio and has delegated implementation authority to the IRS. Opportunity zones will provide significant tax incentives for up to 10 years for investments made within them, so businesses stand to gain as much as the local communities themselves. To prepare for future investments, companies can view an interactive map of Ohio's selected zones [here](#).

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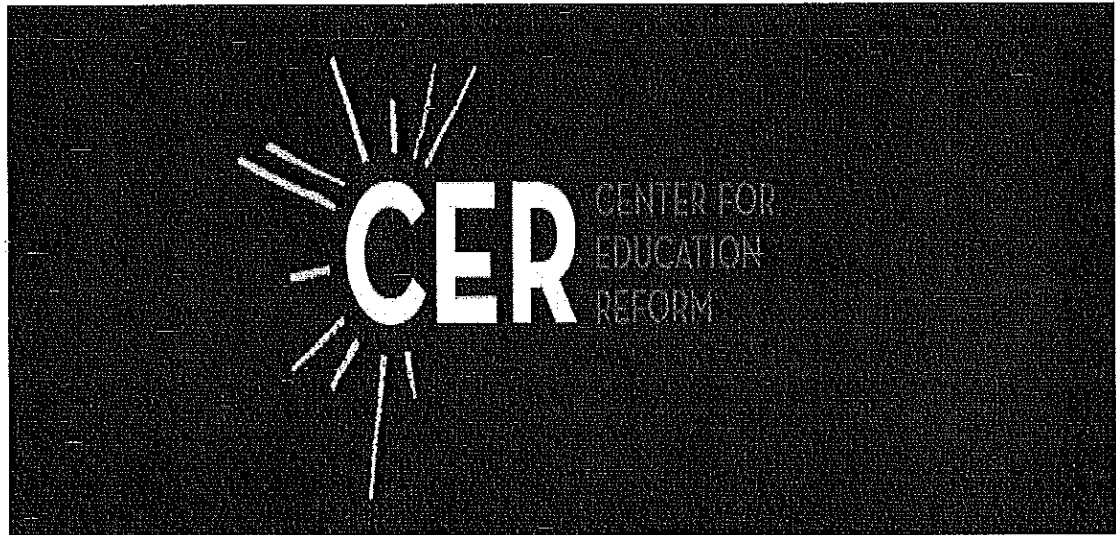
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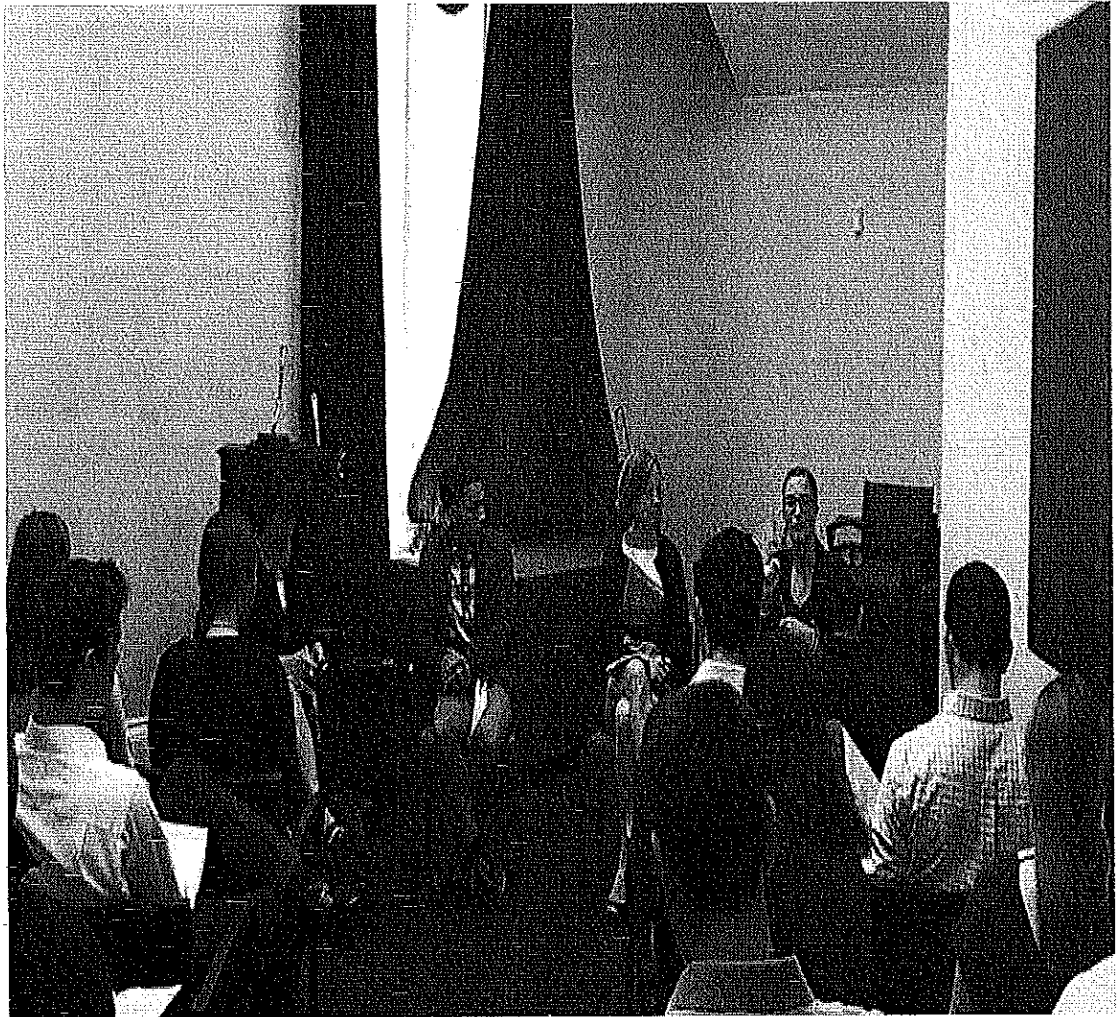
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INNOVATION GOES TO CAPITOL HILL. Education Innovation. We've been talking about it since early 2016 and its necessity as part of the larger equation — Innovation PLUS Opportunity = Results. For several months CER has introduced education innovation to Washington in individual meetings and provided guidance to federal officials on who they might want to listen to if they are to ensure competency-based education replaces seat time in the quest for education mastery.



Enter Kelly Young of EducationReimagined, and Julia Freeland Fisher of the Clayton Christensen Institute who led a riveting and necessary conversation on how Congress can help drive opportunity and innovation in teaching and learning. As Ms. Fisher offered a packed room of intrigued Hill staffers during the meeting, we must consider how ? Cwe have the tools to start to re-choreograph the classroom in the 21st century." The current system is not designed to produce 21st century results and doesn't promote a "learner-centered education,= 2 said Ms. Young. Her group's goal? To design a progressive system that ensures a learner-centered environment. There's proof that it works. Jemar Lee, a student at IowaBIG was on hand to share his

experience; at a high school where students help solve community issues through passion projects, he found success after having been discouraged and disengaged in a traditional model school. He explained how a policy that allows learner-centered environments to thrive will be one that produces personalized models specific to individual communities and economies. The message to Congress? Legislating and spending with rules and regulations that value seat time over accomplishment deter progress and innovation.

The reason personalized learning can and should be happening?

"We have tools to allow us to re-choreograph the classroom, we no longer have to limit student outcomes to whatever teachers have time to accomplish with their students in a classroom. Online learning isn't necessarily a silver bullet. How is technology getting integrated into classrooms, so teachers have more time for small group and individual instruction; how is technology unlocking various pathways so that students can learn fully online outside of school and inside school? And policy has a big role to play there." (Fisher)

"What learner-centered education is all about is how do we empower young people? It assumes all learners are capable, curious and wondrous, that learning is actually a natural phenomenon and kids don't have to be forced to do it. If kids are in a place where they're not learning... it's not because they don't want to. It might be that they're suffering from trauma, that they might have been so brutalized by the current climate of a compliance-based system, that all curiosity has left them temporarily, but it can all be restored.

"Learners are unique....so how do we actually treat individuals like individuals, not just based on their academics but based on their interests, the language they speak, their brain wiring. It sounds complex, but actually we can design these systems that accommodate everybody. Once we realize that learning is natural...we would design a competency-based system, a system that isn't time-based. It's personalized, relevant, and contextualized – that the content of learning is no longer standardized." (Young)

Interested in joining the Innovation Roadshow? [Write to us here](#) and tell us how we can work together!

HIGH MARKS FOR ONLINE HIGHER ED. A new study from Arizona State University reports that online courses may be just what it takes to help retain students and keep them on the path to graduation. [According to EducationDive](#), "Retention and completion rates would seem to be higher among students in online learning courses because there are fewer metrics that could contribute to low performance in coursework." But the news piece cautions that making online courses engaging and meaningful require a close look at design. Although the study is small, the results are promising.

TRANSFORMING ED IN RURAL AMERICA. Music to our ears. The drum beat continues new approaches to help address limitations in human capital and overcome distance barriers to allow rural communities to have access to exceptional education. [According Digital Learning Strategies for Rural America](#), "... online and blended learning has been helping students and schools in many ways." The report includes case studies of 15 states and programs to demonstrate policies, districts and schools that are using digital learning to meet rural education needs.

DID YOU SEE IT? ['How Ed Tech Can Save Rural America'](#) was the focus of a robust discussion at the ASU+GSV annual summit earlier this month.

THE REVOLUTION IS COMING. According to the latest Reality Check with Jeanne Allen an education revolution is already here and it's going global. Find out what it took for Laura Sandefur and her husband Jeff to abandon traditional schools, take the plunge and turn learning upside down. In 2009, they founded Acton Academy with just 15 students, and today with more than 80 campuses around the world, Acton Academy is considered one of the most innovative K-12 school models. Laura's take on traditional education? "It's not

only broken, it's irrelevant!" Hear
more <https://www.edreform.com/realitycheck/>



ICYMI. The teacher strike continues in Arizona. Somehow Gov. Doug Ducey's plan "20x2020" calling for 20% teacher pay raises over two years and restoring recession-era cuts to K-12 funding isn't good enough. Fanning the flames of unrest, and calling for another day of strikes, AFT president Randi Weingarten joined the Arizona rally Monday. Schools statewide remain closed Tuesday including the two largest districts in the state, Mesa Public Schools and the Tucson Unified School District.

Read more about the national situation [here](#), and [here](#).

Founded in 1993, [the Center for Education Reform](#) aims to expand educational opportunities that lead to improved economic outcomes for all Americans — particularly our youth — ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

The Center for Education Reform
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TOP NEWS

Feature

3 Telecom Questions Surrounding The Sprint-T-Mobile Merger

As T-Mobile and Sprint take another stab at merging the third- and fourth-largest nationwide wireless networks, the proposed transaction raises questions about whether the companies really can roll out 5G more effectively together and whether the telecom landscape has evolved enough to render a four-player market structure obsolete. [Read more »](#)

Analysis

Cabbies In Uphill Battle Against Regulators Over Uber Rules

The Second Circuit's finding that traditional taxicabs weren't unconstitutionally harmed by New York City rules governing ride-hailing services like Uber and Lyft may derail similar challenges in other cities from taxicabs seeking more hard-line rules for their new rivals, attorneys say. [Read more »](#)



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LAW FIRMS

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Analysis

States Face Uphill Battle To Dismantle DACA

Seven states sued the federal government Tuesday claiming that the Obama administration's creation of the Deferred Action for Childhood Arrivals program was unlawful, but scholars say their argument is unlikely to prevail because DACA falls within the president's authority to exercise discretion in the enforcement of immigration law. Here, we examine key questions surrounding the suit. [Read more »](#)

FTC Fully Stocked As 3 More Commissioners Are Sworn In

The Federal Trade Commission has a full suite of agency heads after three new commissioners were sworn in Wednesday following their confirmation by the Senate last week. [Read more »](#)

Williams & Connolly Atty To Replace Cobb On Russia Probe

A Williams & Connolly LLP partner who served as an attorney to Bill Clinton during his impeachment is in line to replace Ty Cobb, the lead attorney for the president on the Russia investigation, as Cobb plans to retire at the end of the month, according to statements Wednesday from the White House and the firm. [Read more »](#)

Trump Claims Immunity In Bid To Ditch Emoluments Case

President Donald Trump channeled Richard Nixon on Tuesday in an effort to escape allegations he violated the U.S. Constitution's emoluments clause, asking a Maryland federal judge to toss the case on the grounds he has "absolute immunity" from litigation on actions he has taken while in office. [Read more »](#)

BANKING & SECURITIES

Baker McKenzie
Becker & Poliakoff
Cassidy Levy
Clifford Chance
Clyde & Co
Cohen Milstein
Consovoy McCarthy
Cravath Swaine
DLA Piper
Davidoff Hutcher
Duane Morris
Eversheds Sutherland
Foley Hoag
Fox Rothschild
Freshfields
Gibbons PC
Gibson Dunn
Goodwin
Gowling WLG
Groom Law Group
Gupta Wessler
Hanson Bridgett
Harris Wiltshire
Herbert Smith Freehills
Hirschfeld Kraemer
Hogan Lovells
Hughes Socol
Husch Blackwell
Jones Day
Joseph & Kirschenbaum
Kramer Levin
Linklaters
Norton Rose Fulbright
Osborne Clarke
Paul Weiss
Pinsent Masons
Quinn Emanuel
Regnante Sterio

5th Circ. Won't Rethink Invalidity Of DOL Fiduciary Rule

The Fifth Circuit shot down attempts by AARP and the attorneys general from California, New York and Oregon to revive the U.S. Department of Labor's 2016 fiduciary rule on Wednesday in a move that attorneys think could be the final nail in the coffin for the Obama-era regulation. [Read more »](#)

ENERGY & ENVIRONMENTAL

Hawaii First To Ban Pesticide Linked To Brain Damage

A bill approved by Hawaii's Legislature Tuesday made the state the first in the U.S. to ban chlorpyrifos, a pesticide the U.S. Environmental Protection Agency has linked to brain damage in children but declined to ban in 2017. [Read more »](#)

States Ask NY Judge To Nix EPA's Clean Water Rule Delay

A group of states on Tuesday asked a New York federal judge to invalidate the U.S. Environmental Protection Agency's move to delay implementation of the Obama-era Clean Water Rule, saying the agency failed to follow proper notice-and-comment protocol, among other reasons. [Read more »](#)

HEALTH & LIFE SCIENCES

Unusually Quiet Medicare Insider-Trading Jury Works 3rd Day

A Manhattan federal jury silently mulled complex charges for a third full day Wednesday in the government's insider-trading case against a federal worker, a consultant and two investment pros accused of forming a "corrupt tipping chain" that exploited Centers for Medicare and Medicaid Services spending secrets. [Read more »](#)

REAL ESTATE

Ropes & Gray
Shearman & Sterling
Sidley Austin
Slaughter and May
Squire Patton Boggs
Steptoe & Johnson LLP
Ulmer & Berne
Weiss Serota
Williams & Connolly
WilmerHale

COMPANIES

AARP Inc.
AT&T Inc.
Airbnb Inc.
American Civil Liberties Union
American Council of Life Insurers
Apple Inc.
Associated Press
Cable News Network Inc.
Center for Constitutional Rights
Chemours Co.
Citizens for Responsibility and Ethics in Washington
Comcast Corporation
CropLife America Inc.
Deerfield Management Co. LP
Facebook
GAZ Group
Gazprom
General Electric Capital Corp.
Google Inc.
HomeAway Inc.
Lyft Inc.
Massachusetts Bay Transportation Authority
Monsanto Company
National Rifle Association of America

Austin Defends City Rules Phasing Out Short-Term Rentals

The city of Austin, Texas, urged a state appeals court this week not to reinstate a challenge to city regulations on short-term rentals like those offered through Airbnb and HomeAway, saying in a brief landlords who oppose the rules can't use the court to make a "detailed policy objection" to a city zoning decision. [Read more »](#)

Fla. Developer Can't Fight Zoning Law Without Asking To Build

A Florida appeals court on Wednesday reversed a lower court's finding that the city of Hollywood was liable to a developer for burdening its beachfront property by imposing a lower maximum-height restriction, finding the developer had never formally applied to build. [Read more »](#)

EMPLOYMENT

Senate Dems Again Ask BLS To Collect Harassment Data

Twenty-one U.S. senators led by Kirsten Gillibrand, D-N.Y., and Patty Murray, D-Wash., urged the U.S. Bureau of Labor Statistics to reconsider its decision not to collect data on workplace harassment, Murray announced on Wednesday as the ranking member of the Senate's Health, Education, Labor and Pensions Committee. [Read more »](#)

NJ Gov. Signs Paid Sick Leave Bill Into Law

New Jersey employers must now provide earned sick leave pay to their workers under a new law that Gov. Phil Murphy signed Wednesday, a measure he said will support both working families and the state's economy. [Read more »](#)

CYBERSECURITY & PRIVACY

Natural Resources Defense Council

Samsung Electronics Co. Ltd.

Syngenta AG

T-Mobile USA Inc.

TechFreedom

Texas Public Policy Foundation

TracFone Wireless Inc.

Trump Organization Inc.

Twitter Inc.

U.S. Chamber of Commerce

Uber Technologies Inc.

Washington Post Co.

GOVERNMENT AGENCIES

Army Corps of Engineers

Bureau of Citizenship and Immigration Services

Bureau of Labor Statistics

California Attorney General's Office

Central Intelligence Agency

Commodity Futures Trading Commission

Consumer Financial Protection Bureau

Department of Commerce

European Union

Executive Office of the President

Federal Communications Commission

Federal Deposit Insurance Corp.

Federal Election Commission

Federal Reserve Bank of New York

Federal Reserve System

Federal Trade Commission

House of Commons of the United Kingdom

Internal Revenue Service

International Trade Administration

International Trade Commission

Facebook Can't Halt Data Transfer Row Ahead Of New EU Law

Facebook can't keep Europe's top court from hearing a privacy case that could change the way companies transfer EU users' data to the U.S., Ireland's High Court ruled Wednesday, slamming the social network for trying to stall the case until Europe's new data law goes into effect. [Read more »](#)

UK Parliament Turns Up Heat On Facebook's CEO To Testify

A U.K. parliamentary committee on Tuesday stepped up pressure on Facebook CEO Mark Zuckerberg to provide an in-person update on revelations that Cambridge Analytica harvested millions of Facebook users' personal data, saying that an appearance by another Facebook executive before the committee last week left dozens of unanswered questions. [Read more »](#)

GOVERNMENT CONTRACTS

Public Entity Can Ax Deal To Save Cash, Mass. Justices Say

Massachusetts' top appellate court said Wednesday that a public entity such as the Massachusetts Bay Transportation Authority can terminate a procurement contract for the sole purpose of saving money, breaking with federal precedent and setting a new one for the commonwealth. [Read more »](#)

AEROSPACE & DEFENSE

Dems Want Bank Subpoenaed Over Alleged Army Sec. Deal

Two senior Democrats on the House Oversight Committee on Tuesday urged Chairman Trey Gowdy, R-S.C., to subpoena a bank whose CEO was reportedly promised the Army secretary role in exchange for loans to former Trump campaign chairman Paul Manafort,

New York Attorney General's Office

Office of Foreign Assets Control

Office of the Comptroller of the Currency

Port Authority of New York & New Jersey

Securities and Exchange Commission

Texas Attorney General's Office

U.S. Air Force

U.S. Army

U.S. Attorney's Office

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. Immigration and Customs Enforcement

U.S. Merit Systems Protection Board

U.S. Office Of Special Counsel

U.S. Supreme Court

United States Court of Appeals for the Third Circuit

saying it has refused to cough up requested documents. [Read more »](#)

INTERNATIONAL TRADE

Commerce Levels Tariffs On Dumped Resin From India, China

The U.S. Department of Commerce reached an initial conclusion Tuesday that a type of resin being shipped to the U.S. by Chinese and Indian producers was undercutting the domestic market, in some cases by more than 200 percent, according to an announcement of preliminary anti-dumping duties. [Read more »](#)

TAX

Pass-Through Law May Cramp Savings, Report Says

The tax break for pass-through businesses in the new federal tax law is so complex that any savings for small businesses may need to be spent on lawyers and accountants to understand the law, a coalition pushing for tax benefits for small businesses said Tuesday. [Read more »](#)

IMMIGRATION

Feds Hit With FOIA Suit On Immigrant Vetting Documents

The Chicago office of the Council on American-Islamic Relations accused the federal government in a lawsuit Tuesday of violating the Freedom of Information Act by withholding documents related to an immigration program that the group says unlawfully targets Muslim applicants and delays their naturalization as U.S. citizens. [Read more »](#)

TELECOMMUNICATIONS

Justice Dept. Faults FCC's O'Reilly For Pro-Trump Remark

The Federal Communications Commission's Michael O'Rielly violated the law meant to keep executive branch employees from delving into politics when he advocated earlier this year for President Donald Trump's re-election, a U.S. Department of Justice office said Tuesday. [Read more »](#)

FCC Launches Inquiry On Sharing Satellite Spectrum

The Federal Communications Commission is looking for input on having cable providers share a band of spectrum normally used for satellite transmissions, the agency announced Tuesday, as part of a shakeup of spectrum mandated by law. [Read more »](#)

WHITE COLLAR

Feds Say Salary Expenses Back Up GWB Scandal Convictions

Federal prosecutors told the Third Circuit on Wednesday that payroll records and testimony proved that two former Gov. Chris Christie allies convicted of causing a politically motivated traffic jam misused more than \$5,000 in government resources, exceeding the monetary threshold to make the act criminal. [Read more »](#)

EXPERT ANALYSIS

Volcker Rule Will Likely Change, But When And By How Much?

It is difficult to say exactly what the ultimate changes to the Volcker Rule will be. However, certain political realities on the legislative side and a convergence of statements by policymakers on the regulatory side suggest that there are at least a few broad changes that can be reasonably forecast, say Michael Silva and Paola Ronquillo of DLA Piper. [Read more »](#)

OFAC License For Rusal Wind-Down Shows Flexible Approach

Last week, the U.S. Department of Treasury's Office of Foreign-Assets Control issued a license authorizing the winding down of business with a Russian aluminum company targeted by recent sanctions. The terms of the license reflect a potentially flexible approach from the Trump administration regarding the latest round of sanctions designations, says Anthony Rapa of Steptoe & Johnson LLP. [Read more »](#)

LEGAL INDUSTRY

Pinsent Masons Is Strongest UK Firm Brand For 1st Time

Pinsent Masons LLP for the first time stole the top spot as the United Kingdom's most distinct legal brand in a survey of corporate legal department leaders published on Wednesday by London research firm Acritas. [Read more »](#)

Quinn Emanuel Ex-Staffer Drops Race Bias Claims

A former Quinn Emanuel Urquhart & Sullivan LLP legal secretary has dropped a suit alleging a supervisor made various racist and homophobic comments about him and other African-American colleagues behind the scenes of an Apple v. Samsung patent trial, according to a New York federal court filing Tuesday. [Read more »](#)

Pro Bono Spotlight

Gibbons' Pro Bono Fellows Helped Settle NJ Muslims' Suit

The dispute between New York City and a coalition of New Jersey Muslims alleging the New York City Police Department illegally spied on them for years ended in a settlement in April, bringing to a close six years of litigation supported by the pro-bono work of Gibbons PC. [Read more »](#)

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From: The Aerospace States Association Briefing
Sent: Friday, May 4, 2018 7:57 AM
To: Rep93
Subject: May 4: NTSB Investigators Find Signs Of Metal Fatigue On Southwest Flight 1380 Engine

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The Aerospace States Association BRIEFING

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Good morning Ryan Smith

May 4, 2018

POLICY NEWS - FEDERAL

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NTSB Investigators Find Signs Of Metal Fatigue On Southwest Flight 1380 Engine.

Reuters (5/3, Wise, Shepardson) reports that federal investigators announced Thursday that the engine blade which broke apart aboard Southwest Airlines Flight 1380 last month showed signs consistent with metal fatigue. The identification of metal fatigue "could necessitate more frequent and more comprehensive inspections of these parts." The NTSB "found six crack lines on the fan blade that separated and tore through the engine's cowling," and is working to determine how long fan blades take to show such signs, as well as "whether current inspection measures can effectively detect cracks." In a statement, Southwest pledged to "continue to cooperate fully with the National Transportation Safety Board's ongoing

investigation."

USA Today (5/3, Jansen) reports that two pieces of a broken fan blade were found inside the aircraft's engine, but "other pieces dislodged the cowl that fatally damaged the wing and fuselage of the Boeing 737-700, investigators said Thursday." No cracks were identified on the remaining blades. The "majority of the front engine cowl," including the "entire outer barrel, the aft bulkhead and the inner barrel forward of the containment ring," was damaged and "knocked off the Southwest engine." The leading edge of the left wing, left fuselage, and left horizontal stabilizer in

the tail exhibited "significant impact damage," according to the investigators. A large gouge "consistent with a piece of the cowl was adjacent to row 14, where the window was missing and the passenger partially exited the plane."

ABC News (5/3, Dooley) reports that "a fragment of the engine cowling, not a fan blade," struck the window of Southwest Flight 1380.

US-China Trade Relationship Impacts "Key House Race" In Washington State.

The New York Times (5/3, Kitroeff, Subscription Publication) reports that the potential impact of Trump administration tariffs on imported steel and aluminum on the US-Chinese trade relationship and on The Boeing Company are factoring into a Congressional race in Washington state's Eighth Congressional District. Boeing is likely "the American company with the most riding on a healthy relationship with Beijing" because China is projected to purchase "more than 7,000 planes worth almost \$1 trillion in the next 20 years, more than Boeing's current backlog for the entire world." Although most commercial aircraft in China currently are made by Boeing, "if the trade pressures escalate, China could choose to award more work to Europe's Airbus."

US Air Force Identifies Three Potential B-21 Bases.

ExecutiveGov (5/3, Crews) reports that the US Air Force has identified Dyess Air Force Base in Texas, Ellsworth Air Force Base in South Dakota, and Whiteman Air Force Base in Missouri as "reasonable alternative" hosts for Northrop Grumman's future B-21 Raider bomber. The Air Force plans to issue a "Raider basing decision after it addresses regulatory and planning compliance requirements mandated by the National Environmental Policy Act."

AVIATION

American Announces \$1.4 Billion Order Of Bombardier, Embraer Regional Jets.

Bloomberg News (5/3, Schlangensten, Moura) reports that American Airlines "split" a \$1.4 billion order of regional jets between Bombardier and Embraer in a "push to update its short-range fleet." The carrier will purchase "15 Bombardier CRJ900 planes and 15 Embraer E175 jets, according to a regulatory filing Thursday." American also has options to buy 15 more of each aircraft. The move boosts the airline's shift toward larger "regional jets with room for two passenger classes, which better match the offerings of the airline's larger single-aisle planes." American has reduced the amount of aircraft in its fleet smaller than the 76-seat jets. The CRJ900s will be operated by PSA Airlines, while Envoy Air will operate the E175s. American will retire a "still undetermined number of 50-seat CRJ200 aircraft at PSA to help make room for the new planes." According to CIBC World Markets analyst Kevin Chiang, the order is an "incremental positive as Bombardier looks to rebuild its backlog for its legacy aircraft, and specifically for the CRJ family." The E175 deal is valued at around \$705 million at list prices, while the CRJ900 order is valued at \$719 million. Reuters (5/3) reports that American plans to take delivery of the aircraft between March and November 2019.

Bombardier Commits To Commercial Aerospace.

Reuters (5/3, Lampert) reports that Bombardier affirmed support for its commercial aerospace program Thursday after announcing the sale of the Downsview assembly site for its Q400 turboprop passenger plane in northern

Toronto for \$635 million. The site is one of four assembly facilities for the aircraft. Bombardier CEO Alain Bellemare told analysts, "This (the Q400) is a product line we'll keep pushing," and explained that the sale would allow the company to "monetize an underutilized asset and optimize our business aircraft operations." D Bombardier has a backlog of 50 Q400 aircraft, which "has about 25 percent of the global market in small commercial planes, second to European rival ATR." Although the company's first quarter results showed increasing revenue at three out of four Bombardier units, the company's commercial aircraft segment posted a 12 percent drop in revenue, and the company "used \$721 million of its available cash in the quarter – more than last year."

Bloomberg News (5/3, Tomesco) reports that the deal will help Bombardier increase free cash flow, as the company "is saddled with about \$9 billion of debt from pricey development programs for the C Series airliner and the Global 7000 business jet." Production for the Q400 jet will continue at the Downsview site "for as many as three years after the land sale closes, with options for two one-year extensions." Production then will move to a site at Toronto Pearson International Airport in around three years. Bombardier "plans to open a final assembly plant for its Global business jets at Pearson and hasn't decided where to build the Q400 turboprop." Bombardier booked 31 orders for private jets in the first quarter, and BMO Capital Markets analyst Fadi Chamoun sees "encouraging signs of pick-up in demand" in business aviation.

Planned Factory Will Allow For Increased Global 7000 Production If Necessary. Bloomberg News (5/3, Tomesco) separately reports that a planned factory at Pearson "will have the capacity to build as many as 100 business aircraft annually, Chief Executive Officer Alain Bellemare told shareholders Thursday." This would allow Bombardier the option of increasing output for the Global 7000 if necessary based on demand. The Global 7000 will compete with General Dynamics' Gulfstream G650, "which has reigned unopposed since pioneering the ultra-long-range category five years ago." Bombardier plans to deliver a "handful of Global 7000 jets this year and probably ship about 20 of the planes next year, David Coleal, the president of business aircraft, told reporters in Montreal after the company's annual meeting."

Rolls-Royce "Working Quickly" To Repair Trent 1000 Engines.

Reuters (5/3, Young) reports that Rolls-Royce is working quickly to "repair problems with some of its Trent 1000 engines that have left planes grounded, it said on Thursday, adding it remained confident the cost would not cause it to miss financial forecasts." The company aims to have the problems fully resolved by 2022, but Rolls-Royce CEO Warren East added, "Based on where we are at the moment, we would expect to remove the aircraft on the ground situation much, much faster than 2022." The manufacturer was "questioned at its annual shareholder meeting about problems with the Trent 1000 package C," which is used to power some Boeing 787 Dreamliner jets. The issues have been a "new headache for a company in turnaround mode since 2015." The company reassured investors Thursday that it is on track to meet both free cash flow and profit forecasts. The engines' fan blades are not "lasting as long as expected, requiring extra inspections" and, in some cases, grounding of aircraft. There are 380 "package C" engines currently in service, and estimates "put the number of grounded planes at any one time at about 30." Rolls-Royce Chairman Ian Davis told investors that fixing the issues is "[t]he absolute priority for the board, the absolute priority for the company."

Boeing's Insitu Debuts ScanEagle3 UAV.

FlightGlobal (5/3, Reim) reports that Boeing subsidiary Insitu debuted its ScanEagle3 UAV at the "annual AUVSI gathering." Boeing is promoting the UAV as a "primarily commercial product that is free of the International Traffic in Arms Regulations that govern its other aircraft, such as the ScanEagle2 and Integrator." According to Insitu Commercial Vice President Mark Bauman, this "enables us as, a commercial business, to access the global market more easily." Insitu believes that the ScanEagle3 could be popular with foreign military, "but is focused first on marketing the drone commercially, Bauman adds." The UAV can carry up to 20lb, more than twice that of the ScanEagle, "and up to three payloads simultaneously, which Insitu says enables it to collect and analyse more data in a single flight."

FBI Official: Gang Used Swarming UAVs To Attack Agents.

The Washington Times (5/3, Ernst) reports that "criminal gangs are getting creative with drone technology to combat law enforcement's efforts to rein them in." Attendees at this year's AUVSI Xponential UAV technology conference "were given new examples as to how far criminal gangs will go to thwart authorities," and "in addition to counter surveillance measures against U.S. Customs and Border Patrol agents, a 'law enforcement-sensitive' incident last winter demonstrated offensive measures employed by criminals." According to FBI Technology Law Unit head Joe Mazel, agents were buzzed by small UAVs making repeated "high-speed low passes at the agents in the observation post to flush them."

Strata Manufacturing Plans To Continue Focus On Commercial Market.

CNBC (5/3) hosts a video of Strata Manufacturing CEO Ismail Ali Abdulla, who details the company's support of The Boeing Company, Airbus, and Leonardo. Abdulla outlined the company's plans to focus exclusively on commercial components and continue a focus on maintaining gender diversity in its workforce.

AeroVironment Partners With FlightWave To Add UAV VTOL Capability.

FlightGlobal (5/3, Reim) reports that AeroVironment has signed an agreement with Flightwave to "add vertical take-off and landing (VTOL) capabilities to its future unmanned aircraft." Most of AeroVironment's current aircraft are "fixed-wing drones that are hand- or catapult-launched, and are used for surveillance."

BAE Systems To Invest In Prismatic's Solar-Powered HALE UAV.

FlightGlobal (5/3, Gubisch) reports that BAE Systems announced that it will invest in Prismatic's "development of a solar-powered high-altitude, long-endurance (HALE) unmanned air vehicle." According to BAE Systems Strategy Director for Air Systems Michael Christie, BAE is "keen to invest in the programme as part of our long-term strategy to explore new technologies and solutions in air and space."

Textron Debuts X5-55 VTOL UAV.

FlightGlobal (5/3, Reim) reports Textron Systems unveiled its "X5-55 vertical take-off and landing engineering testbed at the AUVSI Xponential show in Denver, Colorado." The UAV was developed to meet demands "from military customers for an unmanned air vehicle that is able to nimbly take off and land vertically from tight spots, while retaining the ability to fly efficiently over long distances." According to Textron Technical Director of Advanced Product Initiatives Sean Baity, "there is more focus on manoeuvrability" as well as "independent operation in complex

terrain." The UAV uses "four independently moving electric-powered rotors for vertical and horizontal flight," and according to Baity, its vector thrust technology will allow the aircraft to operate more quickly and nimbly.

US Issues Formal Complaint To China Over "High-Grade Lasers= 2 Aimed At US Military Aircraft.

The Washington Post (5/3, Sonne) reports that the US has issued a formal complaint to China ? Alleging that the Chinese military injured two U.S. airmen by directing high-grade lasers at American aircraft in Djibouti." Pentagon spokeswoman Dana White said the incidents are "a serious matter," and "we're taking it very seriously." In a briefing, White indicated that there have been several incidents, and that their frequency has increased in recent weeks. The US operates a UAV base in Djibouti, which also hosts a Chinese military base and others "from an array of countries including France, Italy and Japan."

United Hires Former Obama Press Secretary As Communications Officer.

Bloomberg News (5/3, Bachman) reports that United Continental has hired Josh Earnest, President Barack Obama's former White House spokesman, "as its new chief communications officer, tasked with helping the airline work through the fallout from a series of public relations blunders." According to a statement issued Thursday by United CEO Oscar Munoz, Earnest will "play a crucial role on our leadership team as we position our brand and this company for success."

The Wall Street Journal (5/3, Cameron, Subscription Publication) reports that United is in the process of implementing an ambitious expansion plan, and also is hoping to shed its reputation for poor customer service as well as the lingering impact of several high-profile incidents aboard its aircraft.

FROM ASA



ASA Opens 2018 Distinguished Aerospace Service Award Nominations

The Aerospace States Association has announced it is now accepting nominations for the association's 2018 Thomas R. Hobson Distinguished Aerospace Service Award.

The award recognizes an individual who has demonstrated exemplary characteristics which bring government, industry and education together to strengthen the aerospace industry for the benefit of a state, territory or region of the United States of America. The award seeks nominees who have contributed to, and recognize, the U. S. states' and territories' fundamental and important economic role in strengthening America's aerospace prowess.

Nominations of the award are open until May 9, 2018. The award will be presented at the ASA annual meeting; hosted this year by the great State of Wisconsin, in Milwaukee, July 25-27, 2018. For more award information contact Robert Mansfield, ASA Director, National Programs at: mansfield@aerostates.org.



SPACE

China Successfully Launches Long March Rocket.

Space News (5/3, Jones, Subscription Publication) reports that China successfully launched a Long March 3B rocket Thursday carrying the Apstar-6C communications satellite "from Launch Complex 2 at the Xichang Satellite Launch Center in southwest China." The China Aerospace Science and Technology Corporation (CASC) "announced the success of the launch just over an hour after liftoff." The launch was China's 13th of the year, and the fifth from Xichang, "which is expected to see around 17 launches in 2018, mostly of Beidou navigation and positioning satellites." Apstar-6C joins a constellation of four satellites belonging to APT Satellite, which provides "transponder services for video distribution, broadband internet access, and cellular backhaul."

InSight Launch Will Be NASA's "First Interplanetary Launch" From West Coast.

The Washington Post (5/3, Kaplan) reports that NASA's InSight spacecraft is "slated to launch early Saturday morning, carrying instruments to take the temperature and pulse of the Red Planet's deep interior." The probe will launch from Vandenberg Air Force Base in California in "NASA's first interplanetary launch from the West Coast." The mission aims to help scientists understand how the interior of Mars was formed. According to InSight Deputy Principal Investigator Suzanne Smrekar, Earth's "initial crust is essentially gone, it's all been recycled," meaning that Mars will give scientists an "opportunity to see the materials, the structure, the chemical reactions that are close to what we see in the interior of Earth, but it's preserved from the first 10 million years [of the solar system]. It gives us a chance to go back in time."

The Chicago Tribune (5/3, Khan) reports that UCLA planetary physicist and geophysicist Gerald Schubert, who is not associated with the mission explained that NASA has "never had a mission that was devoted to looking inside Mars."

AFP (5/3) reports that the InSight lander will include a "seismometer, called the Seismic Experiment for Interior Structure, made by the French space agency" that InSight Principal Investigator Bruce Banerdt has called "the heart of the mission." InSight will also include the Heat Flow and Physical-Properties Package "made by the German space agency with the participation of the Polish space agency." The probe will dig "15 times deeper than any previous Mars mission, to a depth of three to five metres." According to NASA, the US spent \$813.8 million on the spacecraft and launch vehicle, while the French and German instruments cost \$180 million.

USA Today (5/3) includes a video report in its coverage.

Fog At Vandenberg Not Expected To Delay Liftoff. Spaceflight Now (5/3, Clark) reports that launch officials "do not expect a layer of fog expected during Saturday's two-hour launch window to prevent liftoff" of the spacecraft. The official weather outlook from the US Air Force's 30th Space Wing "calls for an 80 percent chance of violating range safety constraints related to visibility during the launch," but according to 30th Space Wing Commander Col.

Michael Hough, the launch team can meet the visibility requirement through other means. Fog is "common at Vandenberg and typically does not prevent launches."

Upgraded Falcon 9 Prepares For Test-Firing At KSC.

Spaceflight Now (5/3, Clark) reports that the first upgraded SpaceX "Block 5" Falcon 9 rocket is preparing for a "crucial engine test tomorrow 5:00 at Kennedy Space Center (KSC) in Florida. The 3.5-second test firing of the rocket's engines is "due to take place during an eight hour window that opens at noon EDT." The outlet includes a "time-lapse video" of the Falcon 9 "rolling out to launch pad 39A on Thursday."

Orbital ATK Beats First-Quarter Estimates.

Reuters (5/3) reports Orbital ATK announced its first-quarter financial results, posting revenue of \$1.31 billion, beating analyst estimates of \$1.14 billion. While free cash flow was negatively impacted in the quarter, Orbital ATK received new orders worth approximately \$1.95 billion, and cited an overall backlog of around \$16.6 billion as of April 1.

Facebook "Secretly Building" Internet Satellite.

CNET News (5/3, Mack) reports that a "partially redacted FCC application obtained by IEEE Spectrum outlines a plan for an experimental satellite" from a "mysterious company" called PointView Tech which IEEE "goes on to connect to Facebook." The application describes a plan to "launch a satellite named Athena that would test the use of high-frequency millimeter wave radio signals." Many in the cellular industry are using the technology to "build next-generation 5G networks with more speed and capacity." A satellite broadband service "using such high-frequency signals" could potentially "outdo Elon Musk's SpaceX, which currently hopes to offer gigabit-speed through its planned Starlink service, as well as competitors like the Richard Branson-backed OneWeb."

MANUFACTURING

Commerce Department: Factory Goods Orders Up 1.6% In March.

Reuters (5/3, Mutikani) reports that the Commerce Department announced on Thursday that "New orders for US-made goods rose more than expected in March, boosted by strong demand for transportation equipment and a range of other products." The department said that "factory goods orders rose 1.6 percent, the Commerce Department said on Thursday," while "data for February was revised up to show orders jumping 1.6 percent instead of the previously reported 1.2 percent increase." The increase beats expectations, as "economists polled by Reuters had forecast factory orders increasing 1.4 percent in March." Reuters adds that "orders rose 7.7 percent on a year-on-year basis in March." According to Reuters, "Manufacturing, which accounts for about 12 percent of US economic activity, is being supported by strong domestic and global demand."

STEM EDUCATION

Bayer Fosters STEM Learning With Young Students, High Schoolers.

Kansas City, Missouri's [WDAF-TV](#) Kansas City, MO (5/3) reports that Bayer Pharmaceuticals joined students at Wyandotte High School to teach "younger kids what's so cool about science." Bayer chemist Quamar Salih told WDAF that the effort is meant "to further some STEM education, and provide some fun, and pique the interest of some students." In addition to the School Day at the K event for younger students, Bayer also issued a grant to Wyandotte High "for their Science Ambassador program where students learn and then present the information to students across the metro."

THURSDAY'S LEAD STORIES

- **Texas' Bush, Hobby Airports Take Part In LAANC Expansion.**
- **FAA: Pilot Error Behind Most Close-Calls At SFO.**
- **Airbus Looks To Trim Costs From CSeries Suppliers, Including Bombardier.**
- **GAO: NASA Cost, Schedule Performance Has "Deteriorated" Significantly.**
- **Aerospace Suppliers Exploring Blockchain Technology For Supply Chain, Parts Tracking.**

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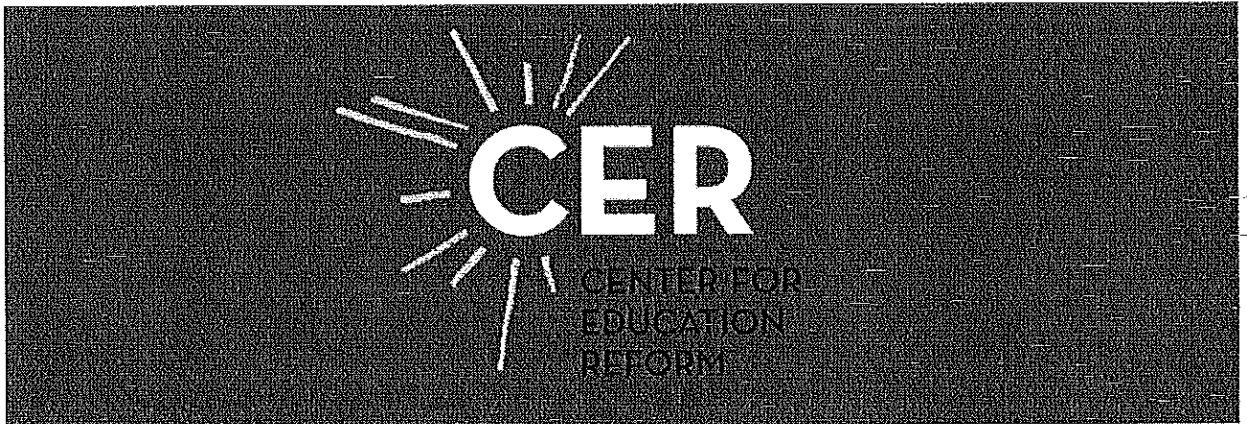
The Aerospace States Association Briefing is a digest of the most important news selected from thousands of sources by the analysts of Bulletin Media. This service is being provided to quickly disseminate news items of interest to Aerospace States Association members, including state legislators and officials.

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The Aerospace States Association is an association of state lt. governors and state government officials fostering state aerospace growth and STEM workforce development. For more information, please see www.aerostates.org or contact GarelickBell@aerostates.org.

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May 8, 2018

National Charter Schools Week 2018, Day 3:

The UNIONS, and their impact on Teachers

Recognizing charter schools as well as those who enable their progress on this #TeachersDay 2018 must include a recognition of those that stand in the way of yet more progress- the National Education Association and the exceptionally hostile American Federation of Teachers (AFT).

It's no secret these two groups have always opposed and spread falsehoods about charters, working hard to convince teachers that they don't serve kids. That has largely failed, but lately, the rhetoric and attacks by the union bosses have taken a troubling, destructive turn. Their increased hostility can only be a result of one thing – a threat to their power. Charter schools have gained strength and acceptance across the nation, threatening the unions' power, influence, money and membership. NEA membership declined in 27 states last year. The AFT membership fell by 69,000 in 2016. And within a few short weeks, the US Supreme Court will decide in Janus vs AFSCME if the US constitution intended for union fees to be involuntarily extracted from the nation's teachers. (We think our Founders did not).

But rather than evolve and adapt to changes in the 180-year-old factory model system of education, rather than create a new path for teachers that supports their growth over mandating uniformity and lock step acceptance of rules, they have dug in their heels and decided character assassination and anti-charter propaganda is best, even declaring unfathomably that the charter school movement is rooted in racism and in the Jim Crow politics of the South's past!

Over at their palatial building on 16th Street, NW in Washington the NEA has been sending missives out to teachers based on last year's policy statement that – in the union mind and the union mind only - it ~~is~~ "jeopardize[s] student success, undermines public education and harms communities" and thus they must "arm our communities and our educational professionals with the tools and voice we all need to ensure a better future for our youth."

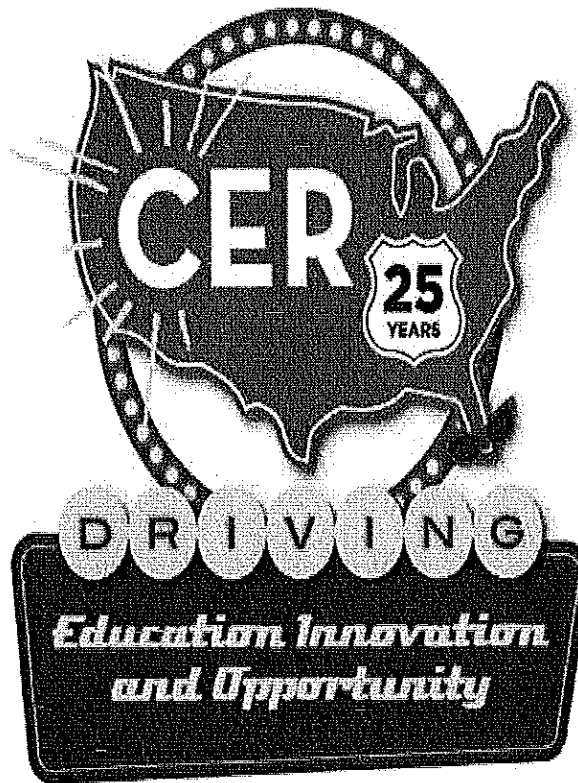
Of course, those tools should be making sure every child gets a great education no matter what the vehicle, but that would never occur to a union who derives its power from mandatory assignment and forced membership.

As absurd and as unfounded as their comments and actions are, they must not go unchallenged. Nor should we ignore that they have tried to tie their school-funding/teacher-pay protests to charters. Make no mistake, these walkouts, sickouts and strikes are intended to build their union, pushing charter school teachers to follow them. Many have called them out in the news and in podcasts with important education leaders.

The good news is that there is help for charter schools and their teachers who want to resist the forced actions of unions to take over these life-saving schools.



The really good news however is that teachers love the autonomy and focus that charters allow them to teach and innovate without being bound by union rules that only hamstring those efforts. That's why well over 90% of charter schools remain non-union and, as a result, retain the freedoms and flexibilities entailed in that independence. As such, charter schools continue to outperform traditional public schools at a rate that has helped drive advances in learning and pedagogy. Charter schools change lives, thanks to the teachers in them. And, today, on Teacher Appreciation day as well as Day 3 of [#CharterSchoolsWeek](#), that's worth celebrating!



Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans – particularly our youth – ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

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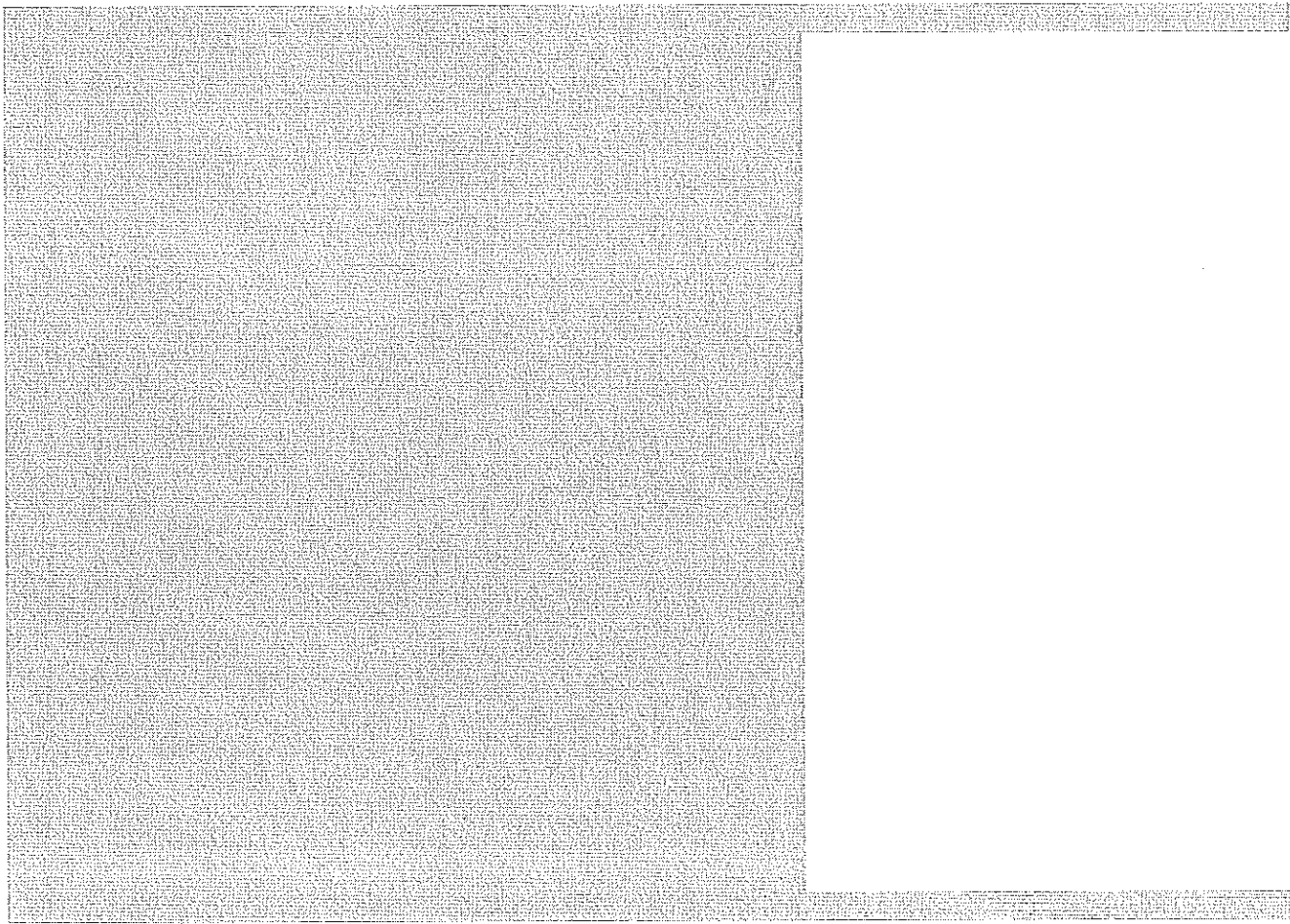
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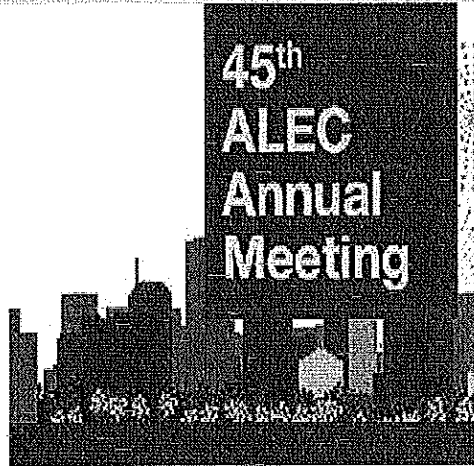
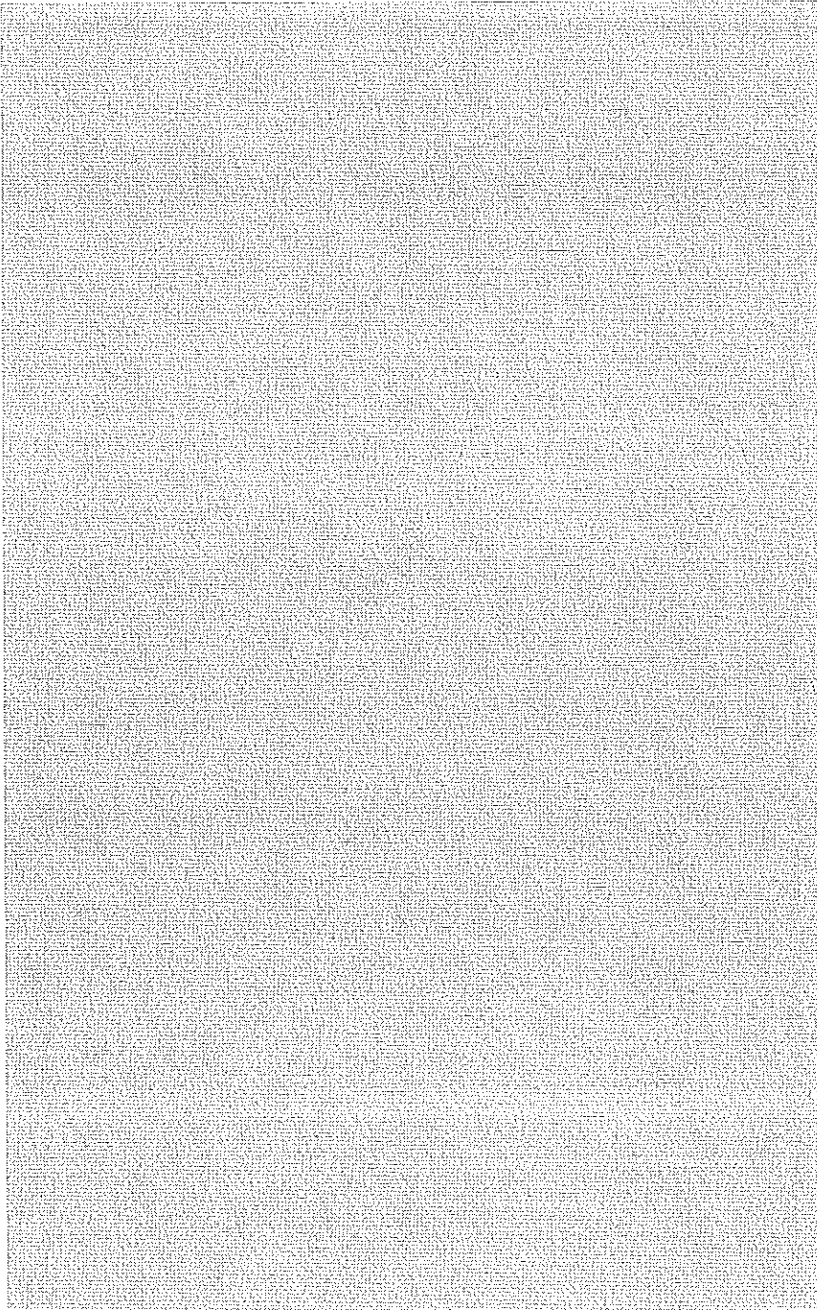
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Sent: Thursday, May 10, 2018 10:37 AM

To: Rep93

Subject: Join ALEC in NOLA - Registration Now Open!





45th ALEC Annual Meeting

= A

Registration Now Op

When:

Where: Hilt

N

Dear Friends -

Registration for the 2018 ALEC Annual Meeting is now officially open. As ALEC continues to grow, we encourage you to join us for 3-days of networking with old and new friends in the heart of the summer and look forward to seeing you there. From the below reviews, this is a major announcement to announce keynote speakers in the

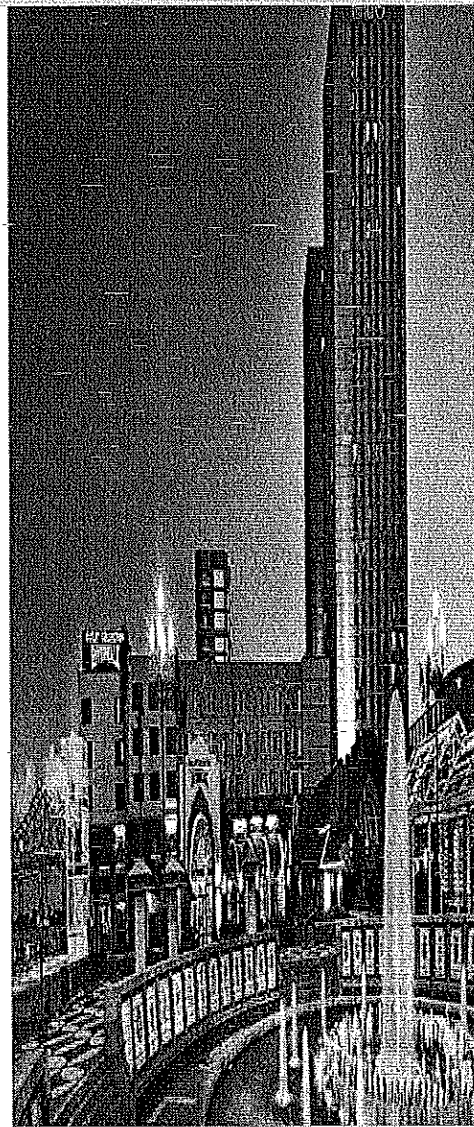
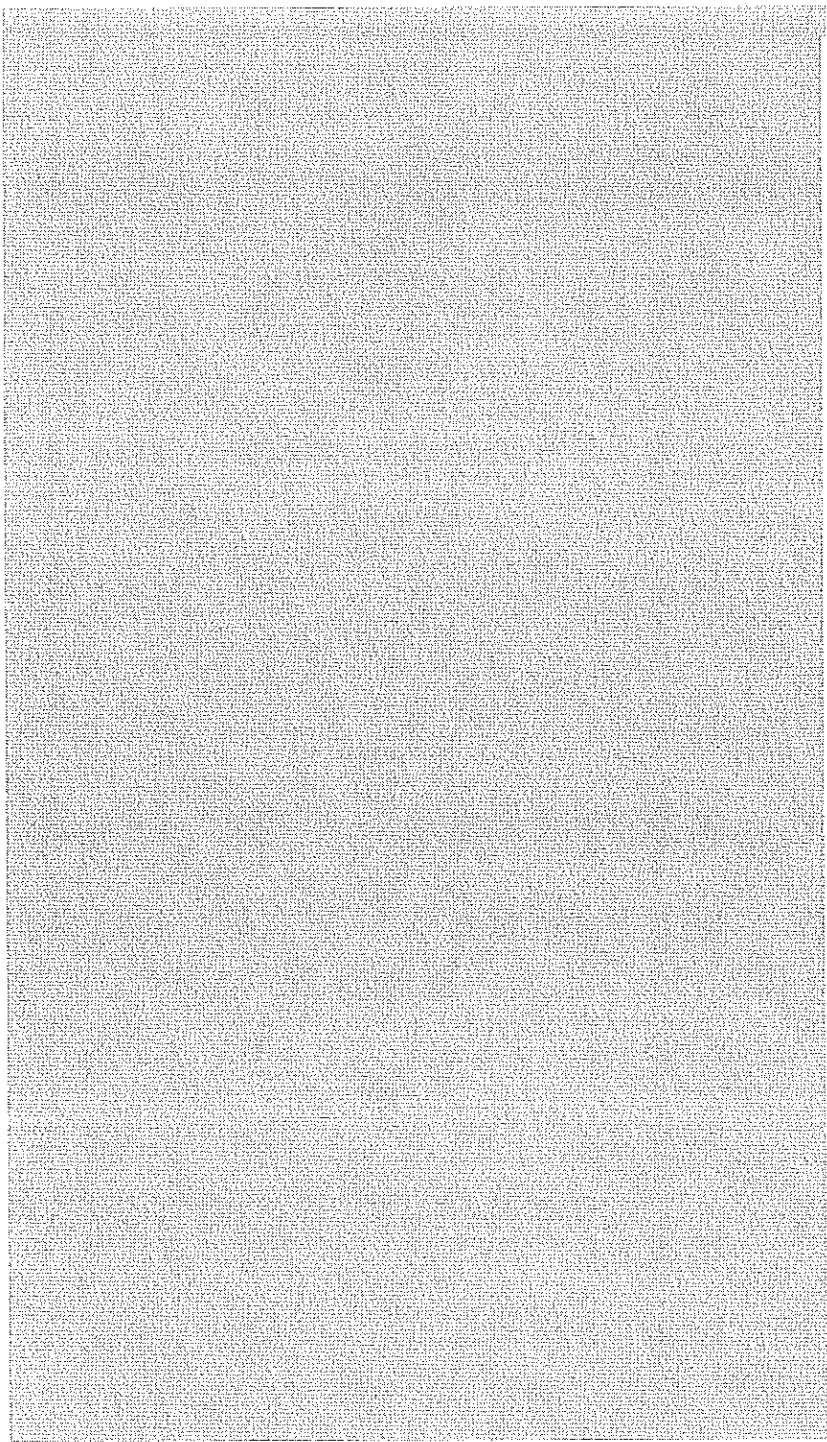
Sincerely,

Lisa B. Nelson

- "I appreciated the selection
profess
- "As my first ALEC experier
that everything was done i
able to network with other s
- "It was a great conference
topic

>> REGISTER NOW

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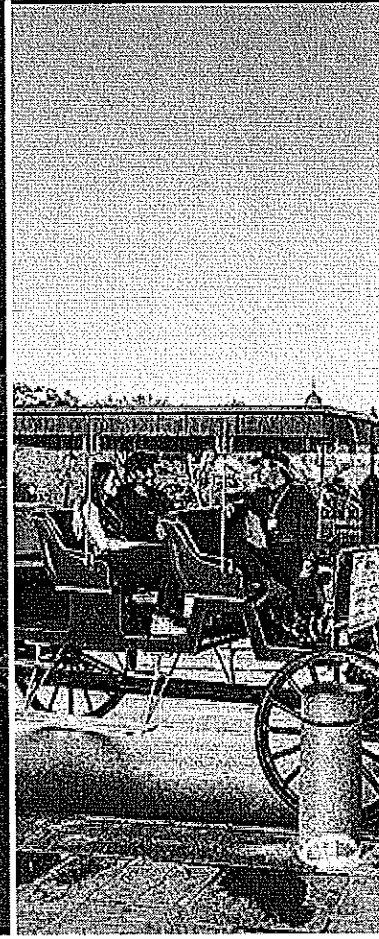
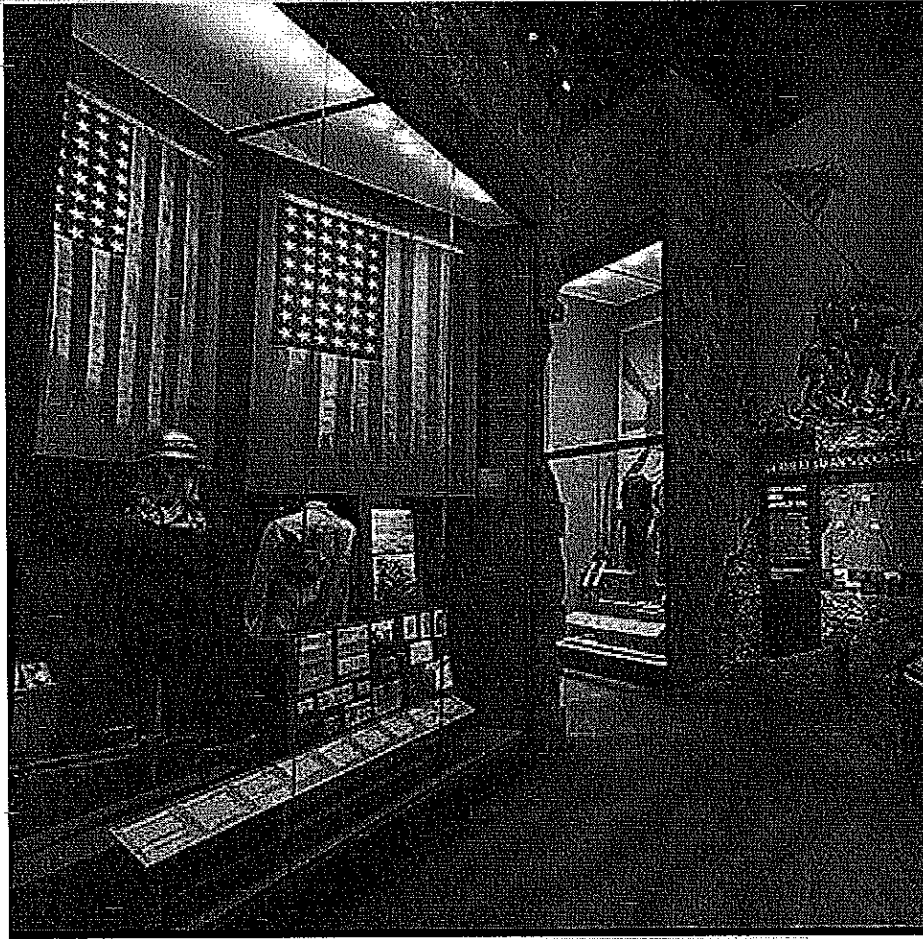


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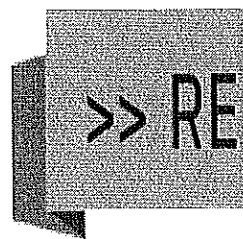


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Museum

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Friday, May 11, 2018

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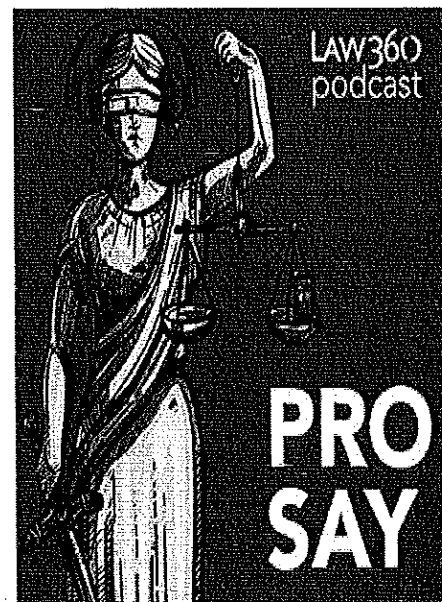
TOP NEWS

EXCLUSIVE: Immigration Court Overhaul Outlined In Draft Bill

Sen. Kirsten Gillibrand, D-N.Y., is considering introducing sweeping legislation to overhaul the nation's immigration court system by establishing independent tribunals with trial and appellate divisions, according to a draft of the bill obtained exclusively by Law360 on Thursday. Read more »

Cleary, Skadden, Sidley Vets Among Latest Judicial Picks

President Donald Trump launched another bloc of court nominees Thursday, announcing picks for the Ninth Circuit and district courts in New York, Pennsylvania and Alabama, including a partner from Cleary Gottlieb Steen & Hamilton LLP and veterans of Skadden Arps



Listen to our new podcast here

LAW FIRMS

Slate Meagher & Flom, Simpson Thacher & Bartlett and Sidley Austin LLP. [Read more »](#)

Gass Weber Partner Overcomes Dems For 7th Circ. Seat

The Senate confirmed Gass Weber Mullins LLC partner Michael Brennan to a post on the Seventh Circuit on Thursday, despite Democrats' complaints that the appointment violated traditional U.S. Senate deference to home-state senators. [Read more »](#)

Starn O'Toole Vet Makes Headway Toward 9th Circ. Bench

President Donald Trump's choice for a Ninth Circuit vacancy sailed through the Senate Judiciary Committee with bipartisan support Thursday, putting one of the president's picks for the high-profile court on the Senate floor for the first time. [Read more »](#)

Feature

Trump To Unveil 4-Point Plan For Curbing Drug Prices

President Donald Trump on Friday will target drug prices with a four-point plan intended to boost the negotiating power of private Medicare plans, reduce list prices, ease out-of-pocket costs and tackle "freeloading" by countries that more aggressively limit prices, according to senior administration officials. [Read more »](#)

Analysis

New Tax Law's Impact On M&A Coming Into Focus

The new federal tax law was expected to change how deals get structured, and four months after its enactment, it is becoming clear how the legislation is having an impact on negotiations and tax planning strategies. [Read more »](#)

Giuliani Resigns From Greenberg Traurig Amid Trump Work

Addleshaw Goddard

Arnold & Porter

Bailey Cavalieri

Baker McKenzie

Bancroft PLLC

Barnes & Thornburg

Bienert Miller

Birch Horton

Blank Rome

Bracewell

Bricker & Eckler

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Butler Snow LLP

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Covington & Burling

DLA Piper

Dechert

Dentons

Dickstein Shapiro

Dilworth Paxson

Dinsmore & Shohl

Earthjustice

Foley & Lardner

Fredrikson & Byron

Gass Weber

Gibson Dunn

Greenberg Traurig

Herbert Smith Freehills

Hodgson Russ

Hogan Lovells

Holland & Knight

Jones Day

Kaeske Law Firm

Kessler Topaz

Kirkland & Ellis

Former federal prosecutor and New York City mayor Rudy Giuliani has resigned from Greenberg Traurig LLP just weeks after he joined President Donald Trump's legal team, the law firm confirmed on Thursday. Read more »

BANKING & SECURITIES

Crypto-Mining Poses Tax Headache For IRS, Panelist Says

The proliferation of cryptocurrency mining represents a tax administration hurdle for the Internal Revenue Service, an attorney with the agency told a conference audience Thursday in Washington, D.C. Read more »

SEC Opens 'Best Interest' Broker Proposal To Public Comment

The U.S. Securities and Exchange Commission on Wednesday opened the public comment period on its proposal to hold brokers to a higher standard of care if they are giving advice to retail investors. Read more »

ENERGY & ENVIRONMENTAL

Analysis

State-Federal Rift Pushes Power Markets To Breaking Point

Backlash against regional grid operator PJM Interconnection LLC's recent proposal to blunt the impact of state subsidies for clean energy in so-called capacity markets where power producers are paid to meet future demand highlights growing tensions between state and federal electricity policies that have experts questioning whether these markets have a viable future. Read more »

Trump Policies And More Leave Oil Prices A Hazy Unknown

The fate of oil prices over the next year is hazy and fraught with potential volatility thanks to a cocktail of factors ranging from Trump administration policies, including the decision

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Law Office of Louise A. Herman
Linklaters
Mayer Brown
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Perkins Coie
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Proskauer Rose
Quinn Emanuel
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Sidley Austin
Simpson Thacher
Skadden
Starn O'Toole
Steptoe & Johnson LLP
Wallace & Graham
Wilkinson Barker

COMPANIES

Amazon.com Inc.
American Bar Association
American Immigration Council
American Immigration Lawyers Association
American Legislative Exchange Council
American Trucking Associations Inc.
Apple Inc.

to pull out of the Iran nuclear deal, to decreased production out of Venezuela and constraints on the Permian Basin, experts told oil and gas industry professionals gathered in Houston on Thursday. [Read more »](#)

EPA Floats Overhaul Of National Ozone Limits Review

The U.S. Environmental Protection Agency on Thursday said it will overhaul how it reviews national ozone limits by considering a range of adverse effects including economic and energy-related ones, following President Donald Trump's demand that the agency make it easier for states and industries to comply with national air emissions standards. [Read more »](#)

Enviros' CRA Challenge Over Nixed Hunting Rule Gets Tossed

A federal judge on Wednesday threw out a lawsuit brought by an environmental group to challenge the constitutionality of the Congressional Review Act after it was used under the Trump administration to roll back a U.S. Fish and Wildlife Service rule prohibiting certain hunting and trapping practices on protected federal lands in Alaska. [Read more »](#)

Feds Say Youth Climate Suit Defies Separation Of Powers

The federal government urged an Oregon federal judge Wednesday to toss a suit accusing federal agencies and the president of failing to protect future generations from the effects of climate change, arguing the relief sought in the case would violate the Constitution's separation of powers. [Read more »](#)

REAL ESTATE

Judge Stops Clock As Ohio Fights To Retain Soccer Team

An Ohio judge has stopped the clock on the statutory period during which the Columbus

Boehringer Ingelheim
Boston Scientific Corporation
Center for Biological Diversity Inc.
Center for Strategic and International Studies
Commerce and Industry Association of New Jersey
Electric Reliability Council of Texas Inc.
Enbridge
Expedia Inc.
Facebook
Federal Bar Association
Federation for American Immigration Reform
Financial Industry Regulatory Authority Inc.
Finjan Holdings Inc.
Fitbit Inc.
Flipkart Internet Pvt. Ltd.
Fortress Investment Group LLC
Hobby Lobby Stores
ISO New England Inc.
Immigration Reform Law Institute
Intellicheck Mobilisa Inc.
International Brotherhood of Teamsters
MAPFRE SA
MGM Grand Hotel LLC
MGM Resorts International
Major League Soccer LLC
McAfee, Inc.
Melaleuca Inc.
Microsoft Corporation
Mohegan Sun
NFL Enterprises LLC
National Rifle Association of America
National Right to Work Legal Defense Foundation

Crew soccer team must field offers from potential buyers before it moves to Texas, in a case with implications on states' influence over sports teams that have received public assistance. [Read more »](#)

EMPLOYMENT

NLRB Members Signal Plans To Review Blocking-Charge Rule

Two Republican members of the National Labor Relations Board signaled Wednesday that the agency may soon revisit its decades-old policy of pausing union elections when a party alleges that workers' freedom to choose whether they want to be represented by a union has been infringed. [Read more »](#)

NJ Lawmakers Advance Bill Limiting Noncompete Agreements

A New Jersey Assembly panel on Thursday advanced legislation to limit the scope of noncompete agreements amid concerns that the measure would jeopardize companies' efforts to protect their confidential information and drive away businesses from the state. [Read more »](#)

CYBERSECURITY & PRIVACY

As GDPR Looms, UK Biz Get Guidance On Consent Rules

The U.K.'s privacy regulator has issued its final guidance to businesses that will need to gain consent to process personal data under the European Union's General Data Protection Regulation, a sweeping new data regime that comes into force in just two weeks. [Read more »](#)

CONSUMER PROTECTION

Law Firm Cites Mulvaney In 9th Circ. Challenge To CFPB

A California law firm that's asking the Ninth Circuit to free it from a Consumer Financial

Nevro Corp.
PJM Interconnection LLC
Pacific Legal Foundation
Professional Insurance Agents
QUALCOMM Incorporated
SK Hynix Inc.
Savills Studley Inc.
Schlumberger-Limited
Shire PLC
Southwest Power Pool Inc.
State Bar of California
Takeda Pharmaceutical Co. Ltd.
Talen Energy Corp.
TripAdvisor Inc.
United Mine Workers of America
Viking Global Investors
Wal-Mart Stores Inc.
Wells Fargo & Co.
Zillow Inc.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Citizenship and Immigration Services
Central Intelligence Agency
Connecticut General Assembly
Consumer Financial Protection Bureau
European Union
Executive Office for Immigration Review
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Trade Commission
Fish and Wildlife Service

Protection Bureau civil investigative demand pressed its challenge to the constitutionality of the agency's structure on Wednesday, citing recent criticism from CFPB acting Director Mick Mulvaney that the agency he leads "is far too powerful." [Read more »](#)

GOVERNMENT CONTRACTS

Attys Who Sued Hastert In FCA Row Spared Sanctions

Attorneys representing a would-be whistleblower in a False Claims Act suit against former U.S. House Speaker Dennis Hastert will not be sanctioned for filing the suit after settling the dispute with Hastert, an Illinois federal judge ruled Wednesday. [Read more »](#)

AEROSPACE & DEFENSE

Analysis

Iran Deal Exit To Cast Shadow Over Future Negotiations

President Donald Trump's decision to withdraw from the 2015 Iran nuclear deal has cast the U.S. as an unreliable ally and negotiator in the eyes of both allies and adversaries, and the effects on future international deals will be hard to shake, attorneys say. [Read more »](#)

Trump's Military Parade Stays In \$717B House Defense Bill

The House Armed Services Committee wrapped up consideration of its \$717 billion version of the 2019 National Defense Authorization Act early Thursday, with the final bill continuing to support President Donald Trump's proposed military parade, among several contentious clauses. [Read more »](#)

INTERNATIONAL TRADE

Commerce Chief Ross Upbeat On China Trade Talks

Commerce Secretary Wilbur Ross said Thursday that he was optimistic about the

Food and Drug Administration
Government Accountability Office
Internal Revenue Service
Leech Lake Band of Ojibwe
Mashantucket Pequot Tribal Nation
Mohegan Tribe
NAFTA
National Labor Relations Board
Port Authority of New York & New Jersey
Securities and Exchange Commission
Solicitors Regulation Authority
U.S. Air Force
U.S. Army
U.S. Attorney's Office
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court
United States Court of Appeals for the Third Circuit
World Trade Organization

Trump administration's ongoing trade discussions with China on everything from industrial policy to intellectual property rules, saying that last week's trip to Beijing laid a solid foundation for future talks. [Read more »](#)

State Lawmakers Rally For NAFTA Investment Protection

As officials negotiating the North American Free Trade Agreement continued to huddle in Washington, D.C., Thursday to strike a final deal, a slew of state legislators pressed them to secure the agreement's controversial arbitration system for foreign investors. [Read more »](#)

BANKRUPTCY

GAO Proposes Tightening Debt To Address Puerto Rico Crisis

The Government Accountability Office has suggested increased federal regulation of Puerto Rico's issuing of debt will help it recover from its debt crisis, with the territory countering that the federal office overlooked the structural inequality underlying its financial condition. [Read more »](#)

IMMIGRATION

Analysis

3 Immigration Rules To Watch In Trump's Spring Agenda

The Trump administration published its spring regulatory agenda on Wednesday, highlighting proposed policies that would implement key structural changes at the office that oversees immigration courts, increase investment requirements for EB-5 visas and revoke a visa program for entrepreneurs. Here, immigration attorneys examine the key provisions to watch in the coming months. [Read more »](#)

Open Immigration Cases Increase, DOJ Unit's Report Says

The number of pending immigration cases increased by 7 percent during the first six months of the current fiscal year, while the median completion time for cases involving detainees continued to tick down, according to new statistics from the federal Executive Office for Immigration Review. [Read more »](#)

Immigration Group Sues 2nd Ind. City Over Welcoming Policy

The legal arm of an organization that calls for lower immigration levels on Wednesday filed its second lawsuit challenging the legality of ordinances in Indiana communities that call for the towns to be welcoming to immigrants and for authorities to not cooperate with federal immigration-related requests unaccompanied by court orders. [Read more »](#)

NATIVE AMERICAN

Enbridge, Tribe Slam ALJ Report Rejecting New Pipeline Route

The company behind a pipeline replacement project on Wednesday opposed an administrative law judge's recommendation that the company's new pipeline should be constructed only on the route of the one already there, a sentiment echoed by a Native American band. [Read more »](#)

Conn. Tribal Casino Plan Gets Boost As Rival Bill Falls Short

The Connecticut General Assembly ended its legislative session late Wednesday without voting on a bill that could have paved the way for a proposed MGM Resorts casino in Bridgeport, a project that would have posed a major obstacle to the Mohegan and Mashantucket Pequot's own plans to open a new casino in the state. [Read more = 2](#)

TELECOMMUNICATIONS

FCC Refuses To Reduce \$120M Robocalling Fine

The Federal Communications Commission on Thursday cemented a \$120 million spoofing fine against a Miami man, voting to ink the previously proposed penalty after finding that Adrian Abramovich's robocalling activity and former Telephone Consumer Protection Act violations were enough to merit the full amount. [Read more »](#)

Net Neutrality Sunset Date Set For June

The Obama-era net neutrality rules that controlled how internet service providers treated online traffic and classified internet services as utilities will officially be wiped from the books on June 11, the Federal Communications Commission said Thursday morning. [Read more »](#)

GWB Figures Say Salary Expenses Can't Sustain Convictions

Two former associates of ex-New Jersey Gov. Chris Christie told the Third Circuit on Wednesday that prosecutors have not proven they misused government resources worth at least \$5,000 in causing politically motivated gridlock at the George Washington Bridge, marking the threshold needed to sustain some of their convictions in the scandal. [Read more »](#)

PEOPLE

Dechert Adds Ex-White House Atty To Litigation Team

Dechert LLP has strengthened its global litigation practice with the addition of a former White House attorney who successfully steered Neil Gorsuch to his confirmation as a U.S. Supreme Court justice last year and helped the NFL spike Tom Brady's challenge to his suspension over the "Deflategate" scandal. [Read more »](#)

EXPERT ANALYSIS

Congressional Forecast: May

Congress returned to Washington, D.C., this week for a three-week work period before the Memorial Day recess. The Republican majority is aiming to meet deadlines on several priority items, including fiscal year 2019 appropriations bills and renewed program authorizations for agriculture, defense and the Federal Aviation Administration, say Layth Elhassani and Kaitlyn McClure of Covington & Burling LLP. [Read more »](#)

Growing Caregiver Benefits In The US Workplace And Beyond

As Mother's Day approaches and more initiatives in the U.S. and around the world are aimed at increasing opportunities at work for working mothers (and caregivers more generally), attorneys with Baker McKenzie discuss recent benefits made available to these employees and review updates multinational employers need to know. [Read more »](#)

The District Court Split On Pleading Indirect Infringement

District courts have diverged over the years as to what the proper standards should be for pleading indirect patent infringement. The Federal Circuit or Congress should resolve this inconsistency, says Joseph Saltiel of Dinsmore & Shohl LLP. [Read more »](#)

8 Reasons To Take A Fresh Look At Your Law Office Lease

After moving into a new law office, tenants often file their signed leases away, figuring that the terms are set for a few years at least. However, leases can be very flexible instruments, and should be reviewed annually even if nothing seems amiss, says Tiffany Winne of Savills Studley Inc. [Read more »](#)

LEGAL INDUSTRY

Titan Of The Plaintiffs Bar: Sanford Heisler's David Sanford

David Sanford of Sanford Heisler-Sharp LLP enhanced his already prodigious reputation as a top-tier plaintiffs'-side attorney over the past year by working to resolve high-profile gender discrimination suits against Chadbourne & Parke LLP and Sedgwick LLP, earning him a place among Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

Review

'RBG' An Intriguing Look At The Most Meme-Worthy Justice

The new documentary "RBG" paints an entertaining portrait of U.S. Supreme Court Justice Ruth Bader Ginsburg and her contributions to American law and society, even as the film suggests that some of her most important work happened decades before she joined the high court. [Read more »](#)

Quinn Emanuel Ousts UK Atty After Misconduct Allegations

Quinn Emanuel Urquhart & Sullivan LLP dismissed a London partner without pay on Tuesday following an investigation into allegations of improper behavior brought by two staffers, the firm said in a statement. [Read more »](#)

Calif. High Court Approves Rules Revamp For Atty Conduct

For the first time since 1987, the California Supreme Court on Thursday approved major revisions to the rules of professional conduct for in-state attorneys, adding new guidelines that address advertising, conflicts of interest, sexual relations with clients, and a host of other concerns. [Read more »](#)

For-Profit Law School Sues ABA Over Enforcement Action

Florida Coastal School of Law filed suit Thursday against the American Bar Association, which recently determined the

From: ben@remingtonroadgroup.com
Sent: Friday, May-11, 2018 11:55 AM
To: Rep93
Subject: Right to Work Legislation Meeting Request

First Name : Alexis

Last Name : Oberdorf

Address : 1897 N 4th St

City : Columbus

State : OH

Zip : 43201

Phone : 567.218.8886

Email : ben@remingtonroadgroup.com

Subject :
Right to Work Legislation Meeting Request

Message :
Hello,

My name is Alexis Oberdorf, and I am emailing on behalf of We Are Ohio, which currently is focusing on Right to Work legislation in Ohio. I would like to find a time in the next few weeks to set up a meeting between some of our members and Representative Smith, preferably in his home district.

The meeting would consist of 3-5 constituents coming to speak on behalf of We are Ohio. The setting should be public preferably (like a public library) but the meeting itself will be private. We are flexible both on meeting time and location! If you could get back to us with some potential dates, we'd be thrilled to move forward with the rest of the details.

We look forward to hearing from Representative Smith soon.

Best,

Alexis Oberdorf

From: Rep93
Sent: Friday, May 11, 2018 1:07 PM
To: Snider, Grace
Subject: FW: Right to Work Legislation Meeting Request

-----Original Message-----

From: ben@remingtonroadgroup.com <ben@remingtonroadgroup.com>
Sent: Friday, May 11, 2018 11:55 AM
To: Rep93 <Rep93@ohiohouse.gov>
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We look forward to hearing from Representative Smith soon.

Best,

Alexis Oberdorf

From: McDonald Hopkins LLC

Sent: Saturday, May 12, 2018 9:22 AM

To: Rep93

Subject: Jury duty obligations for employers

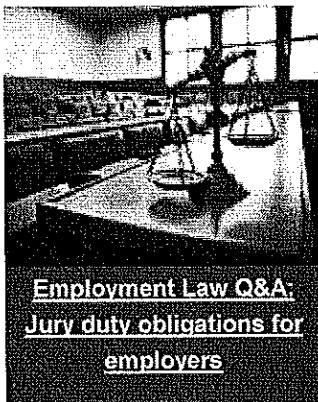
McDonald Hopkins Business Advocate Digest - May 12, 2018

McDonald Hopkins | Digest



Business Advocate

May 12, 2018



Employment Law Q&A:
Jury duty obligations for
employers



Estate planning techniques
for high net worth
individuals

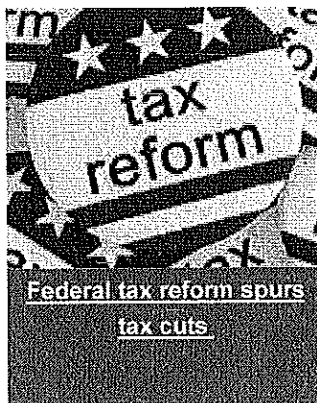
MH2020



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Vitamix is honoring its
past, embracing the future,
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the food service industry.



Contemporary Workplace
Issues: Marijuana, #MeToo
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Federal tax reform spurs
tax cuts

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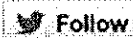
[Click here to unsubscribe or manage your preferences.](#)

McDonald Hopkins LLC 400 Superior Avenue East, Suite 2100 Cleveland, Ohio 44114

From: Public Policy Law360
Sent: Monday, May 14, 2018 4:58 AM
To: Rep93
Subject: 'High-Performance' Building Becoming Easier, Less Costly



Monday, May 14, 2018



TOP NEWS

Feature

'High-Performance' Building Becoming Easier, Less Costly

With businesses and governments looking for ways to save money on operating costs in buildings and garner some positive press at the same time, "high-performance" structures that use the latest technology to conserve energy and water have overcome an early reputation for costliness and are becoming a more popular choice. [Read more »](#)

Analysis

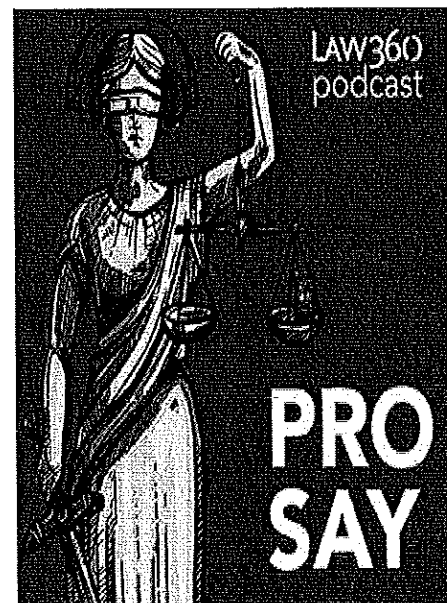
5 Common Myths About EU's New Data Protection Regime

The sweeping General Data Protection Regulation set to take effect in the European Union in just two weeks promises to revolutionize how companies around the globe handle personal data while imposing stiff penalties on those that don't comply. But attorneys say that although companies have had two years to get up to speed, several troubling myths still persist. [Read more »](#)

Feature

Wayfair's Counsel On Keeping State Tax Law Constitutional

Even for Wayfair counsel George Isaacson, who has decades of experience representing



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Allen & Overy
Altshuler Berzon
Anthony Kennedy PC
Arnold & Porter
Baker Botts
Baker McKenzie
Bernabei & Kabat

retailers, the South Dakota statute used to challenge the physical presence standard for sales and use tax collection was something new. In this interview, the Brann & Isaacson senior partner describes how the law is unique — and not necessarily in a good way. Read more »

Analysis

Trump Vows Cheaper Drugs 'Very Soon,' But That's Unlikely

President Donald Trump on Friday uncorked numerous proposals to ease drug prices and promised that consumers will benefit "very soon," but the proposals are so vague and preliminary that major short-term relief is unlikely, experts say. Read more »

Analysis

FinCEN Due Diligence Rule Should Be On Crypto Cos.' Radar

The Financial Crimes Enforcement Network's customer due diligence rule went into effect Friday for banks and certain other financial institutions, and cryptocurrency companies that may not be covered by the rule now would be wise to pay attention to it, legal experts say. Read more »

BANKING & SECURITIES

Blockchain Startup Prometheus Files \$50M ICO Under Reg A+

Blockchain technology startup Prometheus Inc. on Friday filed amended plans to raise up to \$50 million through an initial coin offering, using the so-called Reg A+ exemption in hopes of satisfying securities regulators who are increasingly scrutinizing the novel capital-raising deals often dubbed ICOs. Read more »

Analysis

SEC Faces Calls To Push Back Harder On Audit Trail Delays

Eight years have passed since the May 6, 2010, flash crash and calls are growing for the U.S. Securities and Exchange Commission to

Blank Rome
Brann & Isaacson
Brewer, Attorneys & Counselors
Buchalter PC
Buckley Sandler
Carlton Fields
Carter Ledyard
Cleary Gottlieb
Cooley
Cooper & Kirk
Cotchett Pitre
Covington & Burling
Cozen O'Connor
Crowell & Moring
Davis Wright Tremaine
Debevoise & Plimpton
Duane Morris
Fisher Phillips
Foley & Lardner
Garland Samuel
Gibson Dunn
Greenberg Traurig
Groom Law Group
Grower Ketcham
Gusrae Kaplan
Harris Wiltshire
Hogan Lovells
Holland & Knight
Hunton Andrews Kurth
Husch Blackwell
Jenner & Block
Jones Day
Katten Muchin
Kaufman Seamer
Kelley Drye
Kilpatrick Townsend
Kirkland & Ellis
Kostelanetz & Fink

forcefully address delays to a powerful, long-awaited market surveillance tool called the consolidated audit trail designed to prevent a repeat. Read more »

NRA Sues Cuomo, NY Regulator For 'Discrimination Campaign'

The National Rifle Association sued New York Gov. Andrew Cuomo and the state's top financial regulator on Friday, seeking millions of dollars in damages for what it alleges has been an "overt viewpoint-based discrimination campaign" that is scaring off the gun rights organization's business partners and threatening its First Amendment rights. Read more »

Scottrade Rips Mass. Official's Bid To Remand Fiduciary Row

Attorneys for Scottrade Inc. blasted Massachusetts' top securities official Friday in opposing a bid to litigate an enforcement action at the state level, accusing him of carrying out a personal vendetta of sorts to enforce the U.S. Department of Labor's upended fiduciary rule for retirement account advisers. Read more »

ENERGY & ENVIRONMENTAL

Analysis

Low-Profile EPA Air Quality Shift Could Mean Big Changes

The U.S. Environmental Protection Agency recently revealed a significant change in how it assesses air pollution from closely linked facilities in an unpublicized letter to Pennsylvania environmental regulators, and experts say it will result in an easier permitting process for some projects. Read more »

Enviros Push To Kill Waiver For New Mexico Border Wall

Environmental groups asked a D.C. district judge on Thursday to kill the waiver for environmental and other oversight laws

Latham & Watkins

Lieff Cabraser

Locke Lord

McDermott Will

McKool Smith

Morgan Lewis

Morrison & Foerster

Murphy & McGonigle

Norton Rose Fulbright

O'Melveny & Myers

O'Neill & Borges

Paul Hastings

Pietrantonio Mendez

Polsinelli

Proskauer Rose

Reed Smith

Ropes & Gray

Saul Ewing

Schiff Hardin

Sheehan Phinney

Sidley Austin

Simpson Thacher

Skadden

Stevens & Lee

Stoel Rives

Stradley Ronon

Thompson Hine

Tompkins McGuire

Venable LLP

Ware Immigration

Weitz & Luxenberg

Winston & Strawn

COMPANIES

Adventist Health System Inc.

Advocate Health Care Inc.

Air Line Pilots Association
International

America's Health Insurance Plans

granted by the U.S. Department of Homeland Security for the quick construction of an approximately 20-mile stretch of border wall, alleging Congress never gave it such wide power. [Read more »](#)

REAL ESTATE

Transcript Mishap Sinks Challenge To 91-Home Project In NJ

A New Jersey state appellate panel has refused to disturb a trial court ruling tossing a lawsuit over the municipal approval of a 91-home development in Bayonne because the project's opponents never ordered transcripts of the proceedings before the city's planning board after telling the court they had done so. [Read more »](#)

EMPLOYMENT

9th Circ. Revives Chamber's Suit Over Seattle Uber Union Law

The Ninth Circuit on Friday breathed new life into the U.S. Chamber of Commerce's challenge to a Seattle law letting app-based drivers bargain collectively, partially reversing a trial court's decision that dismissed the suit and holding that the city ordinance isn't exempt from federal antitrust law. [Read more »](#)

US Enters ERISA Suit To Defend 'Church Plan' Exemption

The federal government intervened Friday in a proposed class action in Florida accusing Adventist Health System of underfunding employee pension plans in violation of the Employee Retirement Income Security Act, but only for the limited purpose of defending the constitutionality of the law's "church plan" exemption. [Read more »](#)

COMPETITION

DC Circ. Grounds Union Hopes To Halt Norwegian Air Permit

American Bar Association
American Conference Institute
Avalere Health LLC
Avenue Capital Group
Bloomingdale's Inc.
Boston Scientific Corporation
Brigade Capital Management LLC
CBOE Holdings Inc.
Catholic Health Initiatives
Center for Biological Diversity Inc.
Citigroup Inc.
Cray Inc
Dynamex, Inc.
Express Scripts Inc.
Facebook
Financial Industry Regulatory Authority Inc.
Ford Motor Company
General Motors
Goldman Sachs Group Inc.
Google Inc.
Iconix Brand Group, Inc.
Immigrant Defense Project
Johnson & Johnson
KPMG International
L.L. Bean Inc.
Lyft Inc.
Mattress Firm Holding Corp.
NASDAQ OMX Group Inc.
NFL Enterprises LLC
National Employment Law Project
National Rifle Association of America
National Right to Work Legal Defense Foundation
National Women's Law Center
Nevro Corp.
New York City Bar Association

The DC Circuit has dampened the hopes of a group of airline unions, ruling Friday that the U.S. Department of Transportation had no reason to deny a foreign air carrier permit to a Norwegian Air subsidiary. [Read more »](#)

GOVERNMENT CONTRACTS

OptumRx Loses \$6B NJ Contract For Flouting Financial Terms

A New Jersey state appeals court clarified in a published decision Friday that government contract bids attempting to adjust financial terms in requests for-proposals must be invalidated, upending a \$6 billion contract award to OptumRx Inc. to manage the health benefits of certain state employees. [Read more »](#)

INTERNATIONAL TRADE

Congress Again Angles For A Check On Trump's Trade Power

A bipartisan quartet of lawmakers unveiled new legislation on Thursday that would create a process for Congress to block new trade moves from the White House in an attempt to reclaim some of the trade power that the legislature has delegated to the executive branch. [Read more »](#)

TAX

IRS To Clarify Rules On Bonus Depreciation As Early As June

Regulations to clarify eligibility for full bonus depreciation of property could be issued as early as June, according to an Internal Revenue Service official speaking Friday at an American Bar Association tax conference. [Read more »](#)

Marinello Hasn't Put Brakes On Similar DOJ Pending Cases

The federal government is continuing to prosecute cases under a section of the tax

Northern Mariana Islands Retirement Fund
Northrop Grumman Corporation
OptumHealth Inc.
Promontory Financial Group LLC
QUALCOMM Incorporated
Quill Corp.
Rite Aid Corporation
SAS Institute
Savills Studley Inc.
Scottrade Inc.
Solus Alternative Asset Management LP
Southwest Airlines Co.
TD Ameritrade Holding Corporation
Tax Foundation
TechFreedom
Toyota Motor Corporation
U.S. Chamber of Commerce
Volkswagen
Washington Post Co.
Wayfair LLC

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services
Bureau of Labor Statistics
Crow Creek Sioux Tribe
Delaware Court of Chancery
Department of Commerce
Equal Employment Opportunity Commission
European Commission
European Union
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Bureau of Prisons
Federal Communications Commission

code despite a recent U.S. Supreme Court opinion knocking down its broad interpretation of the relevant clause, an official said Saturday. [Read more »](#)

TCJA Provokes Questions About How To Define Entertainment

The U.S. tax overhaul scrapped employer deductions for the cost of business-related entertainment but kept a partial deduction for meals, prompting practitioners at a tax conference hosted Saturday by the American Bar Association in Washington to ponder when, exactly, a meal might become entertainment. [Read more »](#)

Treasury Mulling Intermediate Sales Quandary On TCJA

The U.S. Treasury Department is looking into whether incentives for exports in the recent federal tax overhaul apply to transactions that are required to go through an intermediary, such as arms sales to foreign buyers, an official said at a conference Friday. [Read more »](#)

IRS To Start Enforcing Crypto Withholding Rule, Panelist Says

The Internal Revenue Service will begin this year to more strictly enforce the requirement to withhold taxes for cryptocurrency payments to nonresident aliens, an attorney who has represented clients in related matters said at a Saturday tax conference in Washington, D.C. [Read more »](#)

Wayfair Halted Online Tax Work, House Panel Counsel Says

Congressional negotiators were working on a compromise solution for regulating online taxation when the U.S. Supreme Court agreed to review *South Dakota v. Wayfair*, which brought talks to a halt, the chief counsel to the House Judiciary chair said Friday. [Read more »](#)

Federal Energy Regulatory Commission

Financial Crimes Enforcement Network

Food and Drug Administration

Illinois Supreme Court

Internal Revenue Service

Minnesota Legislature

NAFTA

National Telecommunications and Information Administration

New York Attorney General's Office

New York State Assembly

New York State Department of Financial Services

Ohio Supreme Court

Pennsylvania Department of Revenue

Port Authority of New York & New Jersey

Securities and Exchange Commission

U.S. Attorney's Office

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. General Services Administration

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Supreme Court

United States District Court for the Eastern District of Pennsylvania

'Hack Your State Department' Bill Clears House Panel

The House Foreign Affairs Committee has approved a bipartisan bill that aims to strengthen cybersecurity efforts at the U.S. State Department by getting hackers to point out vulnerabilities in the department's public networks and data systems. [Read more »](#)

ABA Seeks Clarity On New Exec Comp, Fringe Benefit Taxes

Multiple American Bar Association committees are collecting public comments on the tax treatment of fringe benefits and compensation at nonprofits from the federal tax overhaul, a tax lawyer said Friday at an American Bar Association tax conference in Washington, D.C. [Read more »](#)

Bloomington's Taxes Wrong Bags Under City Law, Suit Says

A purported class of Bloomington's customers slapped the company with a lawsuit in Illinois state court Thursday over claims its Chicago stores are charging an illegal sales tax on its garment bags under a local ordinance they say applies only to paper and plastic checkout bags. [Read more »](#)

Awaiting IRS Insight On Taxing Exec Pay, Cos. Craft New Plans

The U.S. tax overhaul's removal of performance-based pay as an exception to deduction limits on executive compensation is prompting some public companies to create new pay plans to ensure such incentives remain available, practitioners said at an American Bar Association conference Friday. [Read more »](#)

BANKRUPTCY

Restructuring Of Puerto Rico's Investment Bank Approved

Puerto Rico's federally appointed oversight board has officially signed off on a plan to

restructure the \$4.1 billion in debt held by the island's Government Development Bank, in a move government officials called an "important step" toward working out its total \$74 billion debt load. [Read more »](#)

IMMIGRATION

Feature

What You Need To Know As 9th Circ. Hears DACA Challenge

The Ninth Circuit will hear oral arguments Tuesday in a challenge to the Trump administration's attempted rescission of the Deferred Action for Childhood Arrivals program while members of Congress push to bring legislative replacements for the program to the floor for a vote. Here is what you need to know. [Read more »](#)

DOJ, USCIS Team Up In Foreign Worker Visa Crackdown

The Department of Justice and U.S. Citizenship and Immigration Services will team up to investigate fraud and abuse by employers who hire immigrants on foreign worker visas, according to a joint agreement between the agencies that went into effect Friday. [Read more »](#)

Calif. Moves To Bar Court Disclosure Of Immigration Status

The California State Legislature passed a measure Thursday to protect individuals testifying in court from having to unnecessarily disclose their immigration status, in an effort to encourage undocumented immigrants who are witnesses to or victims of crimes to come forward without fear of arrest or deportation. [Read more »](#)

TELECOMMUNICATIONS

FCC Plan To Divvy Car Safety Band Tempers Toyota's Dream

FCC commissioners may force Toyota to rework its plan to introduce vehicles able to wirelessly communicate with other vehicles and transportation infrastructure by 2021, telling the automaker that the agency is still considering letting other applications share a frequency previously reserved for auto safety. [Read more »](#)

Tribe Pushes Back At DC Circ. Against FCC Lifeline Changes

A Native American tribe has urged the D.C. Circuit to toss a Federal Communications Commission decision the tribe says limits which telecommunication providers can be subsidized for providing Lifeline services on tribal land. [Read more »](#)

WHITE COLLAR

Ex-NY Assembly Speaker Convicted After 2nd Graft Trial

Former New York State Assembly Speaker Sheldon Silver was convicted Friday for the second time for reaping what prosecutors say was a quid pro quo in which Silver accepted millions of dollars in illicit referral fees from developers and an asbestos disease doctor and took official action on their behalf. [Read more »](#)

GWB Scandal Figure Loses Bid For Ireland Trip Amid Appeal

A New Jersey federal court has rejected a former Port Authority executive's bid to travel to Ireland on Monday while he appeals his conviction for reducing local access lanes to the George Washington Bridge in a political revenge scheme. [Read more »](#)

EXPERT ANALYSIS

Inside The New DOJ Policy On Coordinated Enforcement

A recent policy announcement by Deputy Attorney General Rod Rosenstein appears to

be an express acknowledgement by the U.S. Department of Justice of the need to mitigate the disproportionate and harmful consequences that can result when multiple enforcement authorities seek to investigate and punish the same conduct, say attorneys with Winston & Strawn LLP. [Read more »](#)

5th Pillar Of AML Compliance Is Here, But Questions Remain

The Financial Crimes Enforcement Network's long-awaited customer due diligence rule — the so-called "fifth pillar" of anti-money laundering programs — is now effective, but the broad reach of the rule and some lingering interpretive issues have made it difficult for firms to operationalize the rule's requirements, say members of Promontory Financial Group LLC. [Read more »](#)

Is The Attempt To Rescind DACA Lawful?

A D.C. federal court recently invalidated the Trump administration's effort to end the Deferred Action for Childhood Arrivals program, highlighting two important issues about the limits of judicial review over such policy changes, says Steven Gordon of Holland & Knight LLP. [Read more »](#)

How The House FAA Bill Champions Air Travelers' Rights

The U.S. House passed its version of the six-year budget reauthorization for the Federal Aviation Administration last month. In a surprising change from Congress' usual tilt toward the interests of the aviation industry, the bill features a number of provisions that address many of the long-smoldering — and vociferously expressed — concerns of the flying public, says Barbara Lichman of Buchalter PC. [Read more »](#)

FERC Aims For Market Transparency With Uplift Reports

Last month, the Federal Energy Regulatory Commission issued a final rule requiring

regional transmission organizations and independent system operators to publicly report information regarding uplift payments. Attorneys at Reed Smith LLP unpack the revised reporting obligations. [Read more »](#)

Gender Pay Data: Impact Of European Laws In The US

Although American and European equal pay laws often develop on parallel tracks, the U.S. has not kept pace with the EU in terms of pay transparency. However, new European laws may have the unintended consequence of pushing multinationals with U.S. employees to publish pay data to keep up with their European counterparts, say Lynne Bernabei and Kristen Sinisi of Bernabei & Kabat PLLC. [Read more »](#)

LEGAL INDUSTRY

Titan Of The Plaintiffs Bar: Lieff Cabraser's Elizabeth Cabraser

As sole lead counsel in multidistrict litigation over Volkswagen AG's emissions scandal, Lieff Cabraser Heimann & Bernstein LLP's Elizabeth Cabraser helped drivers secure settlements totaling more than \$15 billion and assurances that the polluting vehicles would be taken off the roads, earning her a spot on Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

Feature

3 Ways Firms Can Improve Summer Associate Programs

As millennials continue to enter the legal profession with different values, career goals and cultural expectations than their predecessors, firms have an urgent opportunity to retool their summer associate programs to make a more compelling first impression. [Read more »](#)

How They Won It

Ex-BigLaw Atty Who Shot Wife Couldn't Escape Paper Trail

From: The Aerospace States Association Briefing
Sent: Monday, May 14, 2018 7:57 AM
To: Rep93
Subject: May 14: Judges Uphold DOT Approval For Norwegian Air To Operate In US

If you are unable to see the message or images below, [click here to view](#)



The Aerospace States Association BRIEFING

in affiliation with



Good morning Ryan Smith

May 14, 2018

POLICY NEWS - FEDERAL

Advertisement



Judges Uphold DOT Approval For Norwegian Air To Operate In US.

USA Today (5/11, Jansen) reported that a federal appeals panel "upheld Friday the Transportation Department's approval for Norwegian Air International to serve the US." Four unions representing over 135,000 aviation workers had "challenged the decision by arguing that Norwegian was avoiding labor laws through its unusual corporate structure," but a three-judge panel on the DC Circuit Court of Appeals "ruled that neither federal law nor international agreement allowed the department to reject an airline application, if the carrier satisfied the requirements." The Department of Transportation did so in 2016. The unions have been concerned that Norwegian "represented unfair competition because it could hire crews for

lower wages." Norwegian, meanwhile, "contends it will benefit economies on both sides of the Atlantic by ordering \$18.5 billion of Boeing aircraft and hiring hundreds of US workers."

WTO Ruling In Favor Of US Complaint Against Airbus Expected Within Days.

The Wall Street Journal (5/11, Michaels, Wall, Subscription Publication) reported that the US is expected to win a World Trade Organization (WTO) procedural ruling as part of its dispute over the billions of dollars in European Union (EU) subsidies for Airbus. The US has argued that without \$22 billion in illegal EU subsidies, Airbus would not have

grown into a rival to Boeing. Penalties against Airbus could be as much as a billion dollars or more. The EU has filed a separate case against the US and The Boeing Company citing Pentagon and NASA funding as well as state and local tax breaks, and that case is expected to be addressed in the coming months. The WTO ruling could come as soon as Monday, and may clear the way for the US to impose penalties of several billion dollars annually against the EU

FAA Administrator Speaks At Uber Elevate Summit.

Wired (5/12, Stewart) reported that FAA Acting Administrator Dan Elwell spoke at Uber's annual Elevate Summit in Los Angeles, where the ride-sharing company presented its vision of future intra-urban drone transportation networks, or "flying taxis." Among the "nearly 1,000 attendees" from various organizations and institutions, the FAA was "unlike the other participants, who were all gung-ho about the possibility of launching passenger-stuffed drones off the top of tall buildings." Instead, the FAA "stressed that compared to smaller drones, the path to regulating human flight is likely to be different, harder, and longer." Elwell said the agency will focus on safety in regulating the transport of humans via electric VTOL aircraft proposed by Uber. Elwell stated, "You have more commitment, top to bottom," at the federal agencies "to bring these technologies to viable life than I've ever seen."

Re/code (5/11, Bhuiyan) reported that Uber "wants to begin testing its flying cars in 2020 – that's two years away – and have a network up and running in some places by 2023." While "federal regulators said that timeline may not be 'too ambitious'...they wouldn't yet commit to it because they have 'zero tolerance' for any degradations in safety."

Bloomberg News (5/11, Newcomer) reported that Uber has partnered with five air taxi manufacturers, including one owned by The Boeing Company. The consensus among the companies "building flying cars was that Uber's 2023 limited commercialization deadline is aggressive, but possible."

Fox News (5/11, Salazar) reported Uber is also partnering with NASA and is "supplying information to the agency so that it can simulate the flight of a small passenger-carrying aircraft within the airspace of Dallas Fort Worth International Airport, according to two recent statements by NASA." This Urban Air Mobility project will work on "a safe and efficient air transportation system," NASA stated, "where everything from small package delivery drones to passenger-carrying air taxis operate over populated areas, from small towns to the largest cities."

Bolton: US May Sanction European Companies That Continue To Do Business In Iran.

The Daily Mail (UK) (5/13, Chambers) reports that National Security Advisor John Bolton said on CNN's "State of the Union" that "it's possible" the Trump administration may impose sanctions on European companies that do not cease doing business with Iran by the end of the year. Companies in certain sectors have between 90-days to six months to wind down operations in Iran or run the risk of facing stiff penalties now that the United States is no longer a party to an international accord that lifted sanctions on Tehran." In a statement, Rolls-Royce confirmed that it is examining "potential implications" of the US decision, adding that it "conducts business in all countries, including Iran, in accordance with all relevant UK, EU or other national sanctions and export control regulations."

AVIATION

Iran Awaits Word From Airbus On \$20 Billion Aircraft Deal.

Reuters (5/11, Hafezi) reported that Iran expects to hear from Airbus in the "coming days about the fate of an order for 100 planes that looks to have been wrecked by the United States' decision to reinstate sanctions on the Islamic Republic." The deal announced in December 2016 was potentially worth up to \$20 billion in list prices, but only three aircraft of the 100 have been delivered so far. The US has announced its intention to revoke the export license required to sell commercial aircraft to Iran, and although "Airbus is a European firm, its aircraft use US components and technology." According to a senior adviser to Iranian Roads and Urban Development Minister Asghar Fakhrieh-Kashan, "Airbus will announce its decision in the coming days." The loss of US export permits and "confirmation that Iran has not paid a deposit, as previously reported by Reuters, could force Airbus to tell investors the deal cannot go through."

Air Italy Takes Delivery Of Boeing 737 Max As Part Of Plan To Compete With Alitalia.

USA Today (5/12, Mutzabaugh) reported that Air Italy took delivery of its first Boeing 737 Max this past Friday, the "first of 20 Air Italy has on order, part of an broader plan to grow its fleet by 50 aircraft by 2022." The 737 Max will be used for "shorter routes within Italy and Europe." Air Italy is undertaking an "aggressive growth plan" linked to Qatar Airways' purchase of a 49 percent stake in the carrier last year. Qatar Airways CEO Akbar Al Baker "has made little secret that he hopes grow Air Italy into the nation's top airline as Alitalia struggles through yet another bankruptcy reorganization." Air Italy plans to make Milan Malpensa its main-hub and "plans to quadruple its fleet and passenger numbers by 2022." Air Italy also plans to maintain a "reinforced base" at Rome's Fiumicino airport for long-haul routes.

US Marine Corps To Take Delivery Of First Operational CH-53K This Week.

FlightGlobal (5/12, Reim) reported that the US Marine Corps is scheduled to "take delivery of its first production version of the CH-53K King Stallion from Sikorsky early next week." The heavy-lift helicopter will be received at Marine Corps Air Station New River in North Carolina, where the "USMC said it plans to put the aircraft through its Supportability Test Plan by conducting a logistics assessment on the maintenance, sustainment and overall support of the King Stallion."

Spanish Union Ends Talks With Ryanair.

Reuters (5/11, Humphries) reported that the Spanish pilots' union SEPLA has "broken off talks with Ryanair" over a union recognition agreement, and plans to file a lawsuit against the carrier over Spanish contracts. Ryanair recognized unions for the first time in December, but "while it has come to agreements in Britain and Italy, it is still working towards deals with unions in other major centers such as Ireland and Spain."

London Southend Airport Trials System To Detect "Rogue" UAV Users.

BBC News Online (UK) (5/13) reports that London Southend Airport has conducted successful trials to "track and identify 'rogue' drone users" that have caused "an increased safety risk with up to four sightings in London airspace a week." The new surveillance technology can identify UAVs further away from airports, and according to an

airport spokeswoman, it also "identifies exactly where the operator is located." The system includes "two airfield sensors which offer 360-degree coverage up to 4km" in any weather condition.

UAVs Seen As "Major Threat" To Sports Stadiums. The Washington Post (5/10, Laris) reported that major league sports teams "are increasingly anxious about the more than one-million drones government officials estimate are already in use," and are "asking Congress to give local law enforcement permission to seize or reroute drones flying over stadiums." The Department of Defense was "freed over the past two years, in certain cases, from prohibitions against intercepting electronic communications and 'sabotaging' aircraft" in order to address the potential threat from UAVs. Also, the Trump Administration has "proposed giving the departments of Homeland Security and Justice similar powers." Allowing UAVs to be "interrupted raises safety issues," according to some safety experts, and there are concerns that "stray signals from anti-drone defenses could interfere with cellphones or radios, possibly affecting heart monitors or airplane navigation equipment."

AFRL Showcases Automated Aircraft Maintenance System.

ExecutiveGov (5/11, Martin) reported that the US Air Force Research Laboratory's (AFRL) Manufacturing Technologies Division has "showcased a new a robotic system for aircraft maintenance." The Advanced Automation for Agile Aerospace Applications (A5) robot uses sensor feedback to "perform factory work in localized environments, Wright-Patterson AF Base said Thursday." The 22,000 pound robot is expected to reduce aircraft coating removal times by as much as 50 percent. According to AFRL Automation and Robotics Program Manager Rick Meyers, the A5 is "mounted on a mobile platform that allows it to move about an aircraft." The A5 is nearing the end of Phase I development, and is "scheduled to undergo additional testing on a C-17 aircraft in fall this year."

Companies Raise Funds To Design Bottle For Alcoholic Beverages In Space.

The Daily Mail (UK) (5/11, Cahillane) reported that Saber Astronautics Australia and 4 Pines Brewing are raising money to fund a new bottle design "based on fuel tanks to defy challenges of drinking in zero gravity" and allow astronauts to "enjoy [an] alcoholic beverage in space." According to the companies' Indiegogo posting, they hope to make a = 2bottle so astronauts and future space tourists can drink in space just as we do on land." According to an email, the developers are working on "two bottle designs which have had several rounds of industrial design with prototypes" and are scheduled for testing aboard parabolic flights early next year.

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SPACE

SpaceX Successfully Launches, Lands Falcon 9 Block 5.

Reuters (5/11, Rouletter) reported that the upgraded Block 5 version of SpaceX's Falcon 9 rocket "made its debut launch on Friday from Florida's Cape Canaveral carrying a communications satellite for Bangladesh into orbit." The Block 5 featuring around "100 upgrades for greater power, safety and reusability than its Block-4 predecessor" launched at 4:14 p.m. EDT from Kennedy Space Center (KSC) in Florida. The Falcon 9's first stage booster landed on an unmanned platform offshore around nine minutes after liftoff, and the Bangladeshi government's Bangabandhu-1 communications satellite successfully entered its intended orbit 33 minutes after launch. Friday's launch was SpaceX's ninth of the year. There had been five such missions at the same point in 2017, according to SpaceX CEO Elon Musk. The Block 5 booster is designed to be "reused at least 10 times with minimal refurbishment between flights, allowing more frequent launches at lower cost – a key to the SpaceX business model." SpaceX has safely landed 24 boosters and reflown 11 of them. The Block 5 Falcon 9 is expected to be SpaceX's first vehicle to "satisfy NASA's standards for its Commercial Crew Program" to carry astronauts to the ISS. NASA requires seven successful flights to attain certification for a manned mission. The rocket also will be used to launch "US Air Force global positioning satellites and other high-value, military and national security payloads."

Spaceflight Now (5/11), Bloomberg News (5/11), USA Today (5/11), and The Orlando (FL) Sentinel (5/11) hosted video of the launch.

SpaceX Plans To Fly Around 300 Block 5 Missions Before Retiring Falcon 9. SPACE (5/11, Wall) reported that during a prelaunch call with reporters, Musk said that Block 5 first stages may be able to fly as many as 100 times with some refurbishment. According to Musk, the rocket's first and second stage Merlin engines have around eight and five percent more thrust, respectively, than their Block 4 counterparts. Musk added that the new Falcon 9 is "really better in every way than the Block 4," and has been designed to be "the most reliable rocket ever built." The Block 5 will be SpaceX's last version of the Falcon 9, which is eventually to be discontinued in favor of the Big Falcon Rocket (BFR) still in development. SpaceX is likely to produce between 30 to 50 Falcon 9 Block 5s, "which together will fly on the order of 300 missions before they're entirely superseded by the BFR, Musk said during yesterday's call."

CNBC (5/11, Sheetz) reported Musk stated on the prelaunch call that SpaceX is "on track to be double our launch rate last year."

NASA Continues To Call For Delay In Decadal Survey.

Space News (5/11, Foust, Subscription Publication) reported that due to uncertainty over the status of the James Webb Space Telescope (JWST) and Wide-Field Infrared Survey Telescope (WFIRST), NASA continues to "suggest that the next decadal survey for astrophysics be postponed, a move opposed by many astronomers." The decadal survey identifies "priorities in astrophysics research and prioritizes both ground-based and space-based

observatories to carry out that work." The JWST and WFIRST are identified by the survey as flagship missions for the next decade, and NASA officials including Associate Administrator for Science Thomas Zurbuchen "are concerned that the next decadal survey committee may not be able to effectively prioritize missions in the next decade due to uncertainties in the status of JWST and WFIRST." A two-year delay of the study, they argue, could help mitigate these concerns. The next decadal survey, Astro2020, is scheduled to begin around the end of this year with the "selection of a chair of the committee that leads the study," with the report completed and released by late 2020. JWST is now scheduled to launch in May 2020, while the White House has proposed canceling the WFIRST mission. However, many astronomers "have no desire to delay Astro2020," and a delay would have to be coordinated with supporting agencies such as the National Science Foundation (NSF).

Experts Consider Potential For First "Space Trillionaire."

Aerospace America (5/11, Risen) reported on discussions at last week's Humans to Mars Summit in Washington, DC centered on space entrepreneurship. During the event, Sen. Ted Cruz (R-TX) said, "I believe the first trillionaire will be made in space." While attendees and presenters "seemed optimistic about growth" of the space industry, some were "less sure about Cruz's trillionaire prediction." Star Century Partners founding partner Rick Tumlinson estimated that initial Mars exploration efforts will not be overly profitable due to the planet's distance from Earth. Low gravity manufacturing, Tumlinson pointed out, could be carried out on the lunar surface or a space station much closer to Earth. He also said, "As far as I've seen there is no business plan that (addresses) being able to go to Mars and do something of financial value." Explore Mars co-founder Chris Carberry sees the "immediate incentive to visit Mars" as exploration versus profit, and suggests that "we don't quite see what the market would be for Mars, but it's the inspirational driver, the science driver, the future-of-humanity driver." Still, Carberry believes that there "will be a space trillionaire, it's just a matter of whether someone gets there first making money the traditional way on Earth."

NASA Releases New Image Of Saturn's Rings, Moons.

SPACE (5/11) reported that NASA has released a new image of Saturn's rings and its moons Mimas, Janus, and Tethys taken by the Cassini spacecraft in 2006. The photograph shows Saturn's "arcing limb, its razor-thin rings (seen edge on) and three of Saturn's many moons" from a distance of 1.7 million miles.

ULA Selects Aerojet Rocketdyne Engines For Vulcan Centaur's Upper Stage.

The Orlando (FL) Sentinel (5/11, Tribou) reported that United Launch Alliance (ULA) has selected Aerojet Rocketdyne's RL10 upper-stage engines for its Vulcan Centaur rocket over engines offered by competitor Blue Origin. ULA has not selected a supplier for Vulcan's first stage engines, and "Blue Origin and Aerojet Rocketdyne are still competing for that." According to ULA President and CEO Tory Bruno, ULA could "not be more pleased to have selected the proven and reliable RL10 to power our Vulcan Centaur upper stage." Orbital ATK also selected Aerojet Rocketdyne engines for the OmegA rocket's upper stage.

Space News (5/11, Foust, Subscription Publication) reported that the RL10C-X variant to be used on the Vulcan incorporates "improvements, like additive manufacturing of engine components, to improve its quality and affordability." An agreement reached between ULA and Aerojet "covers the delivery of engines over the next decade," and the companies pledged to jointly invest in engine development. Aerojet President and CEO Eileen Drake is

paraphrased as stating that the company was able to reduce the part content of a "copper thrust chamber for the RL10 by 70 percent through the use of additive manufacturing.?"

MANUFACTURING

Manufacturing Day 2018 To Focus On Skilled Worker Shortage.

In a press release, the [Manufacturing Institute](#) (5/11) reported that "Manufacturing Day (MFG) 2018 will occur on October 5 with expected record-breaking turnout." The article added that this year, "MFG Day will focus on one of the biggest problems manufacturers face – a shortage of skilled workers." The release also said that "MFG Day goes a long way to inspire the next generation to pursue rewarding manufacturing careers." The release quoted Manufacturing Institute Executive Director Carolyn Lee saying, "Manufacturing offers many promising career options for the next generation – often without the financial burdens of college debt – and these well-paying jobs are in an industry that is modern, optimistic and growing. Yet, too often, the very talented younger Americans who could make the most of these careers either don't know they exist or have the wrong idea about what a career in modern manufacturing might look like." Lee added, "That's why we organize MFG Day events across the country – to inspire the next generation of manufacturers so that they can gain access to the fulfilling careers they deserve, and to help manufacturers fill the more than 391,000 open jobs in manufacturing today."

FRIDAY'S LEAD STORIES

- **FAA UAV Pilot Program To Run Around Two-And-A-Half Years.**
- **Uber CEO "Reasonably Confident" Company Can Begin Air Taxi Flights By 2023.**
- **Technical Issues Delay SpaceX Falcon 9 Block 5 Launch.**
- **GE Aviation Opens New \$200M Manufacturing Facility In Alabama.**
- **ED Civil Rights Data Show Minority-Majority High Schools Have Fewer STEM Courses.**

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The Aerospace States Association is an association of state lt. governors and state government officials fostering state aerospace growth and STEM workforce development. For more information, please see www.aerostates.org or contact GarelickBell@aerostates.org.

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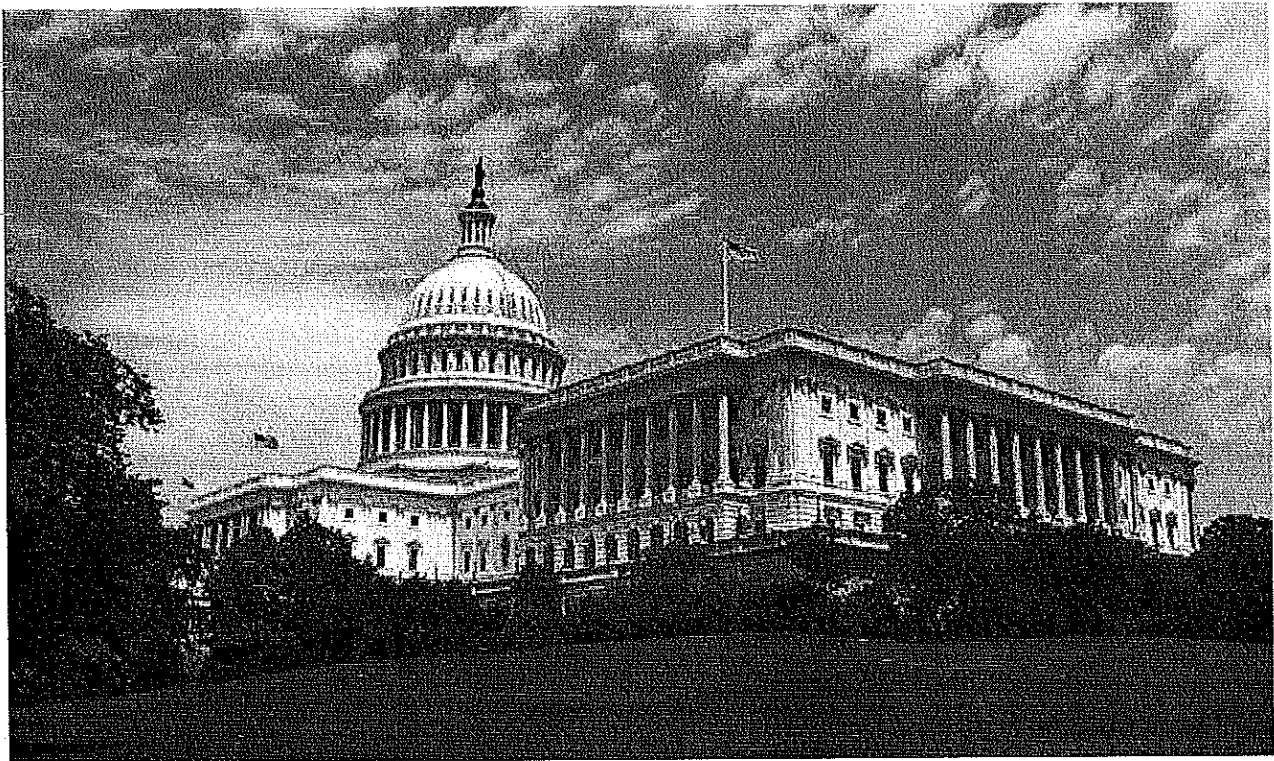
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Sent: Monday, May 14, 2018 4:46 PM
To: Rep93
Subject: Cap to Cap: SCOTUS: States Can Legalize Sports Betting

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Capitol to Capitol

NATIONAL CONFERENCE of STATE LEGISLATURES



May 14, 2018

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New Leadership and Opportunity to Address Student Homelessness

SCOTUS: States Can Legalize Sports Betting

The U.S. Supreme Court ruled in favor of the states and struck down a 25-year-old federal law known as the Professional and Amateur Sports Protection Act (PASPA). Earlier today, the court voted 6-3 in favor of the state of New Jersey in *Murphy v. National Collegiate Athletic Association*, formerly known as *Chris Christie v. NCAA*, declaring PASPA unconstitutional as violative of the 10th Amendment.

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NCSL, along with other national organizations that represent state and local officials, filed an *amicus brief* in support of New Jersey. NCSL released a statement applauding the Supreme Court ruling saying, "NCSL supports every state's right to regulate gaming and sports betting, including both legalization and prohibition, without unwarranted federal preemption and interference." New Jersey can now move forward with its plan to legalize wagering, while other states will have the opportunity to alter their existing bans to allow for sports betting.

NCSL Contacts: Ethan Wilson

White House Looks to Rescind \$15 Billion in Federal Spending

This past week, the White House released proposed rescission cuts covering 38 different programs and totaling over \$15 billion. The administration released a statement saying, "At the direction of President Trump, the Office of Management and Budget has worked diligently to identify wasteful and unnecessary spending already approved by Congress." Now Congress has 45 days to consider the package, which also freezes the

proposed funding programs until a decision is made. Unlike regular spending bills, rescissions packages only require a simple majority in both chambers for passage.

What's in the rescission package?

- Nearly half of the rescission cuts come from two accounts related to child health care: a **\$5.1 billion cut to the Children's Health Insurance Program (CHIP)** and a **\$1.9 billion cut to the Child Enrollment Contingency Fund**. The cuts would include \$3.1 billion in unobligated CHIP funds from FY17, \$2 billion in recovery funds from the Medicare Access and CHIP Reauthorization Act of 2015, and \$1.865 billion from the \$2.4 billion available in the Child Enrollment Contingency Fund.
- **\$800 million cut to the Center for Medicare & Medicaid Innovation:** The cut would rescind funds authorized under the Affordable Care Act from fiscal years 2011-2019. The center was created to try new payment and service delivery models that could reduce expenditures under Medicare, Medicaid and the Children's Health Insurance Fund (CHIP). The administration has said these funds are more than the amounts that would be needed to carry out planned activities for FY2018 and FY2019.
- **\$4.3 billion from the Advanced Technology Vehicle Manufacturing Loan Program,** = Aan Energy Department program that supports the development of advanced technology vehicles and hasn't made a loan since 2011.
- Remaining rescissions come from a variety of government funds and grants across departments including railroad unemployment insurance programs, Ebola response account, Hurricane Sandy funds that states haven't claimed and more. Additional info can be [found here](#).

While rescission packages only require a simple majority, and are not subject to a Senate filibuster, there is a large amount of uncertainty that it will pass. While it is expected to easily coast through the House with Republican support, the Senate will be a different story. A number of Senate Republicans have already expressed their disinterest in the proposal and in order to pass, Republicans can't afford to lose a single vote while Arizona Senator John McCain is home recovering from a recent cancer treatment. Nonetheless, Congress can expect to see more rescission packages coming from the White House as they have stated that this is the first of many to come. A second rescission request in the coming weeks will attempt to claw back funding from the recently passed omnibus bill.

NCSL Contacts: [Max Behlke](#), [Jake Lestock](#)

House to Vote Wednesday on Farm Bill

On Wednesday, the House will consider H.R. 2, the Agriculture & Nutrition Act of 2018 more commonly known as the House's 2018 Farm Bill. The bill reauthorizes several key agriculture and nutrition programs for five years, through fiscal year 2023. The Congressional Budget-Office estimates \$867 billion in total farm bill spending, which includes nutrition, crop insurance, conservation and other farm programs. The bill contains 11 titles with the major themes and changes impacting states, which are detailed in NCSL's analysis of the legislation.

Wednesday's vote will be close, given that the legislation, as currently drafted, has been vocally criticized by House conservatives and House Democrats, albeit for different reasons. Members of the House Freedom Caucus, three dozen of the most conservative members of the House, as well as conservative groups, including Heritage Action and Americans for Prosperity, have criticized the farm subsidies as an unfair benefit to wealthy farms and large agricultural businesses. Democrats have overwhelmingly opposed the current legislation as it imposes new work requirements on five to seven million people who are enrolled in the Supplemental Nutrition Assistance Program (SNAP). Without Democratic support, several members of the Freedom Caucus will need to vote for the legislation for it to pass. Even if it passes, the House legislation is likely D.O.A. in the Senate, which is currently drafting its own Farm Bill.

On the other end of Pennsylvania Avenue, President Donald Trump has signaled that he will veto any legislation that does not impose stricter work requirements on SNAP recipients. However, the work requirements are the most controversial aspect of the legislation and it is unlikely that changes to the program will pass the Senate.

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NCSL's analysis of the House Farm Bill

NCSL Contacts: Abbie Gruwell (SNAP), Ben Husch (Agriculture)

DYK? Four states—Kentucky, Massachusetts, Pennsylvania, and Virginia—call themselves commonwealths. The distinction between a commonwealth and a state is in name only as there is no difference in their relationship to the nation as a whole.

So why are they called commonwealths? Mostly because of the preference of their founders. For example, in Massachusetts, the term commonwealth was preferred by a number of political writers in the years leading up to 1780, when the Massachusetts constitution officially designated the state as such. The preference is believed to have existed perhaps because there was "some anti-monarchial sentiment in using the word commonwealth."

House Approves 2018 FAA Reauthorization Act

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On April 27, the House of Representatives approved, 393-13, H.R. 4, the Federal Aviation Administration (FAA) Reauthorization Act of 2018. The bill would reauthorize FAA programs and the federal aviation taxes that fund FAA programs and operations for five years through Sept. 30, 2023. The prior reauthorization expired in September 2015, which has resulted in five short-term extensions. For more detailed information on what the bill includes, see NCSL's Information Alert.

NCSL Contacts: Ben Husch, Kristen Hildreth

Net Neutrality Vote This Wednesday

Senate Democrats filed a discharge petition last week in order to force a vote to save the Federal Communication Commission's (FCC) net neutrality rules from repeal. A discharge petition would use authority under the Congressional Review Act to nullify the FCC's vote this past December to roll back the rules. These rules explicitly banned blocking, throttling, and paid prioritization by internet providers, but were reversed by a new set of guidelines introduced by FCC Chairman Ajit Pai.

To pass, the resolution will need a simple majority in both chambers. The Senate will vote this Wednesday and the chances of receiving 51 votes looks promising. Although, the bill is said to be dead on arrival in the Republican-controlled House. While the resolution has little chance of becoming enacted, Democrats plan to make their support for net neutrality regulations a popular campaign issue in the upcoming midterm elections.

NCSL Contact: Danielle Dean

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NCSL Contact: Danielle Dean

Secretary DeVos Approves the ESSA Plans of South Carolina, Virginia, Alabama, Colorado and Kentucky

As of May 11, the U.S. Department of Education announced the approval of South Carolina, Virginia, Alabama, Colorado and Kentucky's Every Student Succeeds Act (ESSA) state plans. Each state is tasked with developing an ESSA plan unique to the needs of their students. To date, 44 state and territory plans have now been approved. Education Secretary Betsy DeVos applauded the states and reiterated the need to "use these plans as a starting point, rather than a finish line, to improve outcomes for all students."

South Carolina's plan includes a total of nine ways a student's college and career readiness may be measured. The varied metrics enable students to take advantage of the world class knowledge and skills of the Profile of the South Carolina Graduate. South Carolina's plan also includes a student engagement survey, giving each respective student a voice in the accountability system. "South Carolina's ESSA plan embodies our vision that every graduate is prepared for success in college, career and citizenship," said South Carolina Superintendent of Education Molly Spearman.

Virginia's plan includes chronic absenteeism and the Standards of Accreditation Rating indicator as new methods to measure quality and student success. The approved ESSA plan also sets forth processes intended to support and improve the academic growth and English learner progress of identified schools. Virginia's ESSA plan "reflects the state's mission to increase student learning and academic achievement," said Virginia's Acting Superintendent of Public Instruction Steven M. Constantino.

Alabama's plan includes a framework to join with local education agencies to enhance early learning and improve alignment of early learning programs from birth through third grade. The approved plan also includes the creation of the Legislative School Performance Recognition Program, in which the state will use state-authorized assessments and key performance indicators to profile a school, school system or both entities.

Colorado's plan includes the creation of the ESSA Application for School Improvement, intended to provide schools identified for Comprehensive and Targeted Support and Improvement with access to services and funding that supports their unique needs. "We have used this process to re-engage with many of our schools, districts, and stakeholders across the state over the last two years to get feedback on how our current system is working. The conversations were deep and very helpful to the department and other stakeholders as

we work collectively to leverage ESSA to improve outcomes for our highest need students in Colorado", says Colorado's Education Commissioner Kathy Anthes.

Kentucky's approved ESSA plan includes goal setting related to achievement gaps: cutting the achievement gap for each student group in half by 2030 and increasing the graduation rate for all students and each student group. The plan also acknowledges 2017-2018 as a transition year, in which performance on indicators will be used to determine low-performing schools and whether targeted support and improvement or comprehensive supported and improvement will be provided. Systems will be fully implemented during the 2018-2019 school year, leading up to one to five-star designation for a school or district. Schools that reflect noteworthy achievement gaps will not qualify for earning the highest ratings. "Schools and districts will be held to a higher level of accountability under this plan. Raising the bar is essential if Kentucky is to make the strides in student performance we intend to make," said Kentucky's interim Education Commissioner Wayne Lewis.

A complete list of state plans, both approved and pending.

NCSL Contacts: Joan Wodiska, Miranda McDonald

DYK? Just in time for the MLB All-Star Game at Nationals Park in Washington, D.C., this summer, the Library of Congress will feature an exhibition about the origins and history of baseball. The handwritten "Laws of Base Ball," which historians have called the "Magna Carta" of the game after they were decided at a convention in 1857, will be among the artifacts featured in the new exhibition "Baseball Americana" opening June 29 at the Library of Congress. The exhibition will explore baseball's past and present and how the game has forged a sense of community for players and fans across the country.

Tennessee Department of Education Awaiting ESSA Compliance Ruling

The Tennessee Department of Education is awaiting to hear back from the US Department of Education regarding whether emergency legislation is in compliance with Every Student Succeeds Act standards, which require states to test students annually in grades 3 through 8 and once in high school. This year, the state test "TN Ready" was affected by online glitches, deeming the results unreliable. In response, the Tennessee State Legislature passed legislation aimed to assert that "no adverse action be taken against any student, teacher, school or district based on this year's TN Ready results."

Tennessee's Education Commissioner Candice McQueen, has maintained that the glitches were the result "deliberate attacks" on the systems of Questar Assessment—TDOE's computer systems vender. The state's ESSA plan was approved last August, in which TN Ready was included as a measurement of accountability standards.

NCSL Contacts: Joan Wodiska, Miranda McDonald

First Lady Melania Trump Unveils "Be Best"

On May 7, first lady Melania Trump revealed her first initiative entitled Be Best, which seeks to promote well-being, positive social media behaviors and support families impacted by the opioid crisis. The well-being component of the initiative includes emphasis on healthy living, encouragement, kindness and respect through which adults may impact the futures of children. The initiative's focus on social media seeks to tackle cyberbullying and encourage children to "choose their words wisely and speak with compassion." The first lady's initiative also seeks to bring attention to the effects of opioid addiction. On the initiative, Mrs. Trump said: "It remains our generation's moral imperative to take responsibility and help our children manage the many issues they are facing today, including encouraging positive social, emotional and physical habits."

NCSL Contacts: [Joan Wodiska](#), [Miranda McDonald](#)

New Leadership and Opportunity to Address Student Homelessness

Acting Assistant Secretary for Elementary and Secondary Education Jason Botel was recently elected Vice-Chair of the United States Interagency Council on Homelessness for 2018. "...we have new levers at our disposal to track and provide services for families and students experiencing homelessness through the Every Student Succeeds Act," Botel said. State legislators or staff working on student homelessness are encouraged to contact [Joan Wodiska](#). NCSL is working to identify state-led examples to inform the Council on Homelessness.

Contacts: [Joan Wodiska](#), [Miranda McDonald](#)

DYK? From Acoma Pueblo in New Mexico, whose 250 structures have been continuously inhabited since the 12th century, to the White Horse Tavern, a bar in Newport, Rhode Island, that opened its doors in 1673, America's buildings are as historic as they are diverse. [Check out this list](#) of the oldest building in every state compiled by Business Insider.

The 2018 NCSL Legislative Summit begins July 30 – [Register Here](#)

[Read the April 30, 2018 Capitol-to-Capitol.](#)

Like Capitol-to-Capitol? Have ideas or suggestions for how it can be improved? Please take two minutes to let us know in this [very short survey](#)!

We are always looking for interesting trivia about states, legislatures and American history. If you have some great facts, don't keep them to yourself. Let us know by clicking [here](#). We will likely include them in a future edition of Capitol to Capitol!

If you have comments or suggestions, please contact [Max Behlke](#).

[Read More](#)

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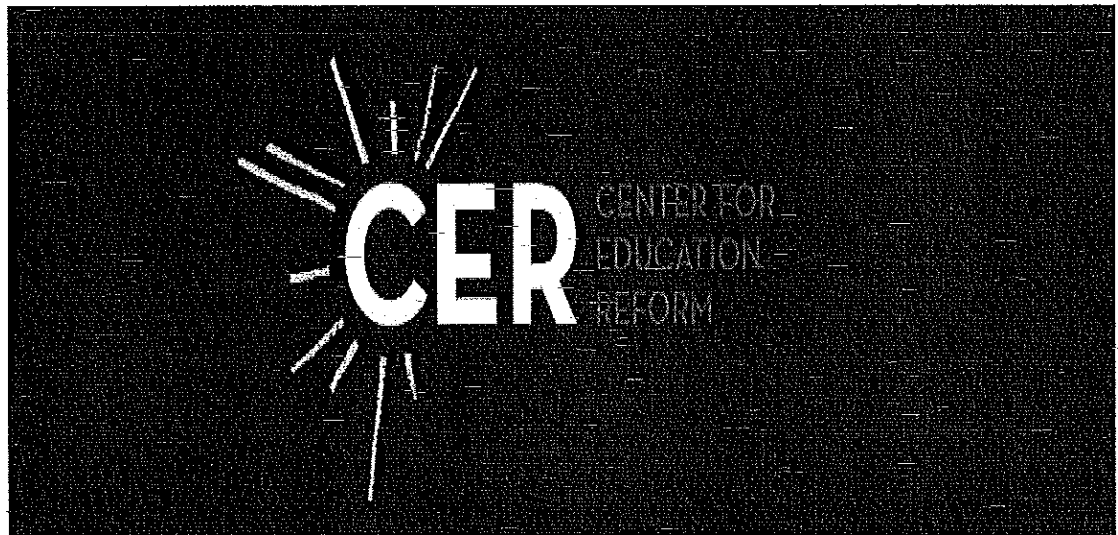
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REFLECTIONS. Last week America celebrated National Charter Schools Week. In the 27 years since the founding of the charter school movement, tremendous progress has been made in the number of schools established, and in the wealth of innovative opportunities they offer to children, families, teachers and communities.

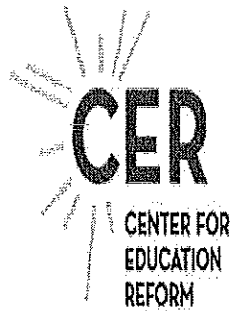
Each day of NCSW, schools, educators, advocates and thought leaders produced a combo of thousands of stories, data points and reflections about the role charters have played in transforming how public education works. Parents, policy advocates, legislators – and some of brightest minds in the

areas of education technology, pedagogy, curriculum, teaching and learning have helped create a vibrant environment for student success among more than 3 million students who annually benefit from charter school education. As we reported last week however, despite that success, the reality is charters are "Opportunities Under Siege." We took an unflinching look at the forces and foes that could jeopardize all the hard-fought victories and advancement of the innovation and opportunity that 7,000 charter schools have delivered.

Check out this dedicated web resource site, daily releases, Op-Eds, media engagement, social media, videos and Reality Check with Jeanne Allen podcasts with pioneers and advocates such as Success Academy founder Eva Moskowitz, charter innovator, scholar and author, Sarah Tantillo and respected pioneer who participated in the birth of the modern Charter School Movement, Howard Fuller. We explored the drivers of change, diversity and world-class education and those who strive to un-do this vital work. Our goals for this week were to galvanize charter school educators and administrators against teachers' union pressures for strikes and walkouts, dispel false claims to set the record straight in the media, reenergize parents and students, and bring urgency to legislators to pass strong charter laws and fund the ones already passed.

LOOMING STORM CLOUDS IN NORTH CAROLINA gather as union-backed strikes are scheduled for Wednesday May 16th in Raleigh with attendance expected to be high. This is another in a wave of coordinated efforts to engage charter school teachers to abandon their classrooms and their students under the façade of solidarity to suit their own agenda, optics and ultimately their coffers. This is the fifth in a series of walk-outs and sick-outs being encouraged by the National Education Association (NEA). The first was in West Virginia and lasted nine days. Subsequently, the NEA encouraged teachers in Oklahoma to walk, even though they won a 16 percent raise from the Oklahoma legislature before the nine-day walk-outs even began. Then there was Kentucky, followed by Arizona where new money for schools was already on the table prior to that walk-out as well.

A WORD TO ALL CHARTER EDUCATORS: While we appreciate that teachers are naturally collaborators, this national walk-out strategy is designed to undermine the very freedoms that charter schools afford not only their families but all who work there. The NEA believes all charters should fall under the same rules as traditional public schools, which, in effect, would make them no different than traditional schools. They fight charter schools in school halls and state halls. They are calling it a walk-out because the public does not like strikes, and they have poll-tested the words. (***The NEA spends \$34 million a year on its communications.***) And they are calling it a walk-out because they don't have the authority to make anyone do anything in a right-to-work state. However, this is a strike, plain and simple. And by striking with the union, you are joining the fight to close charter schools.



FOLLOW-UP TO:

**THE CASE FOR
EDUCATION
TRANSFORMATION**

Part I. The Disappointing
Reality of American
Education

*First released—
February 2018*

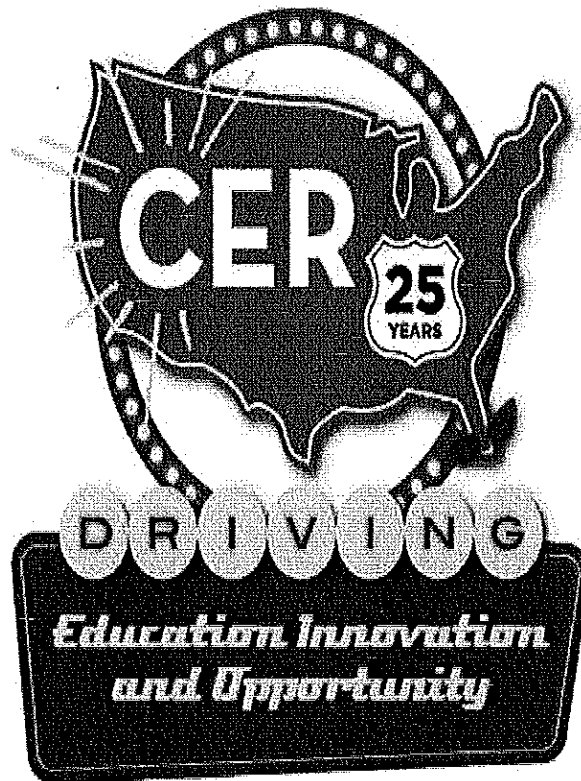
THE CASE FOR EDUCATION TRANSFORMATION

Part II. Opportunity

MAY 2018

THE CASE FOR EDUCATION TRANSFORMATION: CER released the second in a three-part series for The Case for Education Transformation - Opportunity. Following last month's release of Part I– The Disappointing Reality of American Education, which included 2018 National Assessment of Educational Progress (NAEP) alarming data revealing that the lowest performing students in the nation are faring worse than they did on the same assessment in 2015. Part II also assesses what a new opportunity agenda should look like and presents a strategic road map to achieve it.

CER SALUTES 20 YEARS OF EMPOWERING FAMILIES. The Children's Scholarship Fund is 20 years old, and celebrates this milestone tonight in NYC. If you are in New York City – COME! Tickets are available to join the celebration and special memories of visionary founders Ted Forstmann and John Walton. And at CSF's helm for the entire 20 years the organization has been supporting more than 166,000 students with scholarships is president and chief operating officer, Darla Romfo. We spoke with her on this week's Reality Check with Jeanne Allen. Hear why even with today's availability of greater educational choices, Darla says CFS's work is more important than ever, "It's still the right thing to do – to keep trying to make a difference," she urges, "You can never give up."



Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans — particularly our youth — ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

The Center for Education Reform
1455 Pennsylvania Ave, NW, Suite 250
Washington, DC 20004

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From: Jeff Dillon

Sent: Tuesday, May 15, 2018 2:29 PM

To: Jeff Dillon; Micah Derry

CC: Rep01; Rep02; Rep03; Rep04; Rep05; Rep06; Rep07; Rep08; Rep09; Rep10; Rep11; Rep12; Rep13; Rep14; Rep15; Rep16; Rep17; Rep18; Rep19; Rep20; Rep21; Rep22; Rep23; Rep24; Rep25; Rep26; Rep27; Rep28; Rep29; Rep30; Rep31; Rep32; Rep33; Rep34; Rep35; Rep36; Rep37; Rep38; Rep39; Rep40; Rep41; Niraj Antani; Rep43; Rep44; Rep45; Rep46; Rep47; Rep48; Rep49; Rep50; Rep51; Rep52; Rep53; Rep54; Rep55; Rep56; Rep57; Rep58; Rep59; Rep60; Rep61; Rep62; Rep63; Rep64; Rep65; Rep66; Rep67; Rep68; Rep69; Rep70; Rep71; Rep72; Rep73; Rep74; Rep75; Rep76; Rep77; Rep78; Rep79; Rep80; Rep81; Rep82; Rep83; Rep84; Rep85; Rep86; Rep87; Rep88; Rep89; Rep90; Rep91; Rep92; Rep93; Rep94; Rep95; Rep96; Rep97; Rep98; Rep99

Subject: Key Vote Alert: Americans for Prosperity - Ohio OPPOSES House Bill 123

Attachments: HB123KeyVoteAlert.pdf

Importance: High



Americans for Prosperity – Ohio OPPOSES H.B. 123

May 15, 2018

Members of the Ohio House of Representatives:

On behalf of Americans for Prosperity, the nation's largest free market grassroots organization, and our tens of thousands of activists across Ohio, I **urge you to vote against House Bill 123**, which would restrict access to financing for some of our most vulnerable citizens in the guise of attempting to help them. Our organization is making **H.B. 123 a 'Key Vote' and will be recording your decision on our Legislative Scorecard.**

Payday loan opponents would like us to believe that these financial instruments are nothing but poverty traps, intended to exploit the financial emergencies of low-income families and ensnare them into usurious loan agreements. If this were actually the case, we would be appalled, and rightly so. But in reality, payday loans are more often used

to smooth irregularities in household cash flow, allowing those with limited financial resources to access cash when they know they will be able to pay it back, as an advance on their next pay check.

According to a study by the Pew Charitable Trusts, 69 percent of payday loan customers use them for routine expenses like rent, food, and clothing. Additionally, rather than being trapped in a never-ending spiral of debt and exorbitant interest rates, the average payday loan customer spends five months of the year in debt and seven months out of it, which could indicate that they are a return customer. According to Thaya Brook Knight, Associate Director of Financial Regulation Studies at the Cato Institute, this data paints a picture of the average payday loan user that is starkly different from the victim that payday loan opponents would have us believe is the intended target of this lending practice. Rather than abusing low-income workers and families in need, the data supports that payday loans are used to improve the ability of borrowers to cover basic expenses and make their lives easier.

In fact, 81 percent of payday loan users say that without these loans, they would be forced to cut down on basic expenses like clothes and food.

Helping families improve their financial situations and make ends meet is a critical challenge that needs to be overcome, but restricting access to financing options, as H.B. 123 would do if enacted, shows how good intentions can sometimes produce bad policy.

For these reasons, I **strongly urge you to reject H.B. 123**. Again, your decision on this bill tomorrow will be recorded as a **'Key Vote' on our Legislative Scorecard**. I look forward to working together to advance other, better policies that will truly help Ohio families transform their lives.

Best Regards,

A handwritten signature in black ink, appearing to read 'MD' followed by a stylized flourish.

Micah Derry

State Director, Americans for Prosperity – Ohio

Americans for Prosperity (AFP) exists to recruit, educate, and mobilize citizens in support of the policies and goals of a free society at the local, state, and federal level, helping every American live their dream – especially the least fortunate. AFP has more than 3.2 million activists across the nation, a local infrastructure that includes 36 state chapters, and has

received financial support from more than 100,000 Americans in all 50 states. For more information, visit www.AmericansForProsperity.org.



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Micah Derry

State Director, Americans for Prosperity – Ohio

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From: Rep93
Sent: Tuesday, May 15, 2018 3:46 PM
To: Snider, Grace
Subject: FW: School Based Health Care Toolkit Goes Live

From: Theresa.Hatton@governor.ohio.gov <Theresa.Hatton@governor.ohio.gov>
On Behalf Of greg.moody@governor.ohio.gov
Sent: Tuesday, May 15, 2018 3:30 PM
To: 'raly@hpio.net' <raly@hpio.net>; 'jaysmith@ohioschoolboards.org' <jaysmith@ohioschoolboards.org>; 'mcropper@oft-aft.org' <mcropper@oft-aft.org>; 'djohnson@oft-aft.org' <djohnson@oft-aft.org>; LESLEY.SCOTT-CHARLTON@medicaid.ohio.gov; Peggy Lehner (DST) <SD06@ohiosenate.gov>; 'csolley@akronchildrens.org' <csolley@akronchildrens.org>; 'mwilmoth@akronchildrens.org' <mwilmoth@akronchildrens.org>; 'kgrayem@akronchildrens.org' <kgrayem@akronchildrens.org>; 'sarah.knepp@ohiosenate.gov' <sarah.knepp@ohiosenate.gov>; 'hamilton@basa-ohio.org' <hamilton@basa-ohio.org>; 'aly.deangelo@ohiohospitals.org' <aly.deangelo@ohiohospitals.org>; 'raly@hpio.net' <raly@hpio.net>; 'kathleen@raiseyourvoiceforkids.org' <kathleen@raiseyourvoiceforkids.org>; Jennifer.Davis@odh.ohio.gov; 'aweaver@oahp.org' <aweaver@oahp.org>; 'nathan@oda.org' <nathan@oda.org>; 'drgossard@ecpnetwork.com' <drgossard@ecpnetwork.com>; 'enimak@aol.com' <enimak@aol.com>; 'skincaid@ohiochildrenshospitals.org' <skincaid@ohiochildrenshospitals.org>; 'mpweisel@voryshcadvisors.com' <mpweisel@voryshcadvisors.com>; 'harriam@cpsboe.k12.oh.us' <harriam@cpsboe.k12.oh.us>; 'mcropper@oft-aft.org' <mcropper@oft-aft.org>; 'kmahler@ohioafp.org' <kmahler@ohioafp.org>; 'joan.hlinomaz@ketteringschools.org' <joan.hlinomaz@ketteringschools.org>; 'MARYKAY.IRWIN@NATIONWIDECHILDRENS.ORG' <MARYKAY.IRWIN@NATIONWIDECHILDRENS.ORG>; Reina.Sims@mih.ohio.gov; 'reiss@carpenterlipps.com' <reiss@carpenterlipps.com>; 'president@OASN.org' <president@OASN.org>; 'fwolgin@interactforhealth.org' <fwolgin@interactforhealth.org>; Paolo.Demaria@education.ohio.gov; John.Martin@dodd.ohio.gov; Lance.Himes@odh.ohio.gov; Cynthia.Dungey@jfs.ohio.gov; Barbara.Sears@medicaid.ohio.gov; tracy.plouck@mha.ohio.gov; greg.moody@governor.ohio.gov; 'rgraham@lcghd.org' <rgraham@lcghd.org>; 'hamilton@basa-ohio.org' <hamilton@basa-ohio.org>; 'Daniel.Troy@lakecountyohio.gov' <Daniel.Troy@lakecountyohio.gov>; 'darlene.kamine@clcinstitute.org' <darlene.kamine@clcinstitute.org>;

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'president@OASN.org' <president@OASN.org>
Cc: Monica.Juenger@governor.ohio.gov; Sarah.Wickham@education.ohio.gov;
Marjorie.Yano@medicaid.ohio.gov; 'matt_karlan@mckinsey.com'
<matt_karlan@mckinsey.com>
Subject: School Based Health Care Toolkit Goes Live

We wanted to remind everyone in this group about two important items:

- 1) The next external workgroup meeting is May 22 at 12:30pm (*note time change from noon to 12:30pm*) at ODM (details below). We will be sharing our progress over the past two months and get the group's feedback on next steps as we begin supporting the Ohio School Based Health Care Network. We look forward to your attending.
- 2) We are pleased to announce the Ohio School Based Health Care toolkit will go live today (<http://education.ohio.gov/SBHealthcareToolkit>). This is an exciting accomplishment and we want to thank everyone who shared feedback on the materials and made this a resource impactful for schools and providers.

Paolo DeMaria
Greg Moody

School Based Health Care Workgroup

Tuesday, May 22, 2018

12:30pm – 2:00pm

Lazarus Office Building, 6th Floor

50 W. Town Street

Columbus, OH 43215

RSVP: <https://goo.gl/forms/RXS0ndGCdbUNfIVm2>

***Allow additional time to check in with Dept. of Medicaid security upon arrival.

From: The Aerospace States Association Briefing
Sent: Thursday, May 17, 2018 7:59 AM
To: Rep93
Subject: May 17: Efforts To Explore Lambert International Airport Privatization Hit A Snag

If you are unable to see the message or images below, [click here to view](#)



The Aerospace States Association BRIEFING

in affiliation with



Good morning Ryan Smith

May 17, 2018

POLICY NEWS - STATE

Efforts To Explore Lambert International Airport Privatization Hit A Snag.

The St. Louis Post-Dispatch (5/16) reports that efforts to explore the privatization of St. Louis' Lambert International Airport hit a snag when the city's Board of Estimate and Appointment did not hold a scheduled vote to approve the contract of three consulting firms selected by a committee in January to "seek and evaluate proposals from companies that want to lease the airport." According to the St. Louis Post-Dispatch, the reason for the contract not being approved was "a disagreement over a proposed group that would work alongside the consulting firms and make recommendations."

Richfield, UT Airport Nears Completion.

The Richfield (UT) Reaper (5/16) reports that after more than a decade of work, the Richfield City Municipal Airport project is "in its final weeks." The article says that "thanks to an ongoing grant from the Federal Aviation Administration," the airport rebuild is almost complete. The FAA paid for "more than 90 percent" of the project.

Sheridan County, WY Approves \$575,000 Airport Funds Transfer.

Sheridan (WY) Media (5/16, Palmer) reports that Sheridan County, Wyoming Commissioners authorized a transfer of \$575,000 in FAA entitlement funds to the Yellowstone Regional Airport in Cody, WY. Sheridan County Airport Manager John Stopka said the Cody airport board approved an agreement in which the commissioners would lend the funds to the airport.

Florida County Plans Mosquito Control Program Using UAVs.

U.S. News & World Report (5/16, Soergel) reports that officials in Lee County, Florida plan to use UAVs to aid the county's mosquito control operations. Lee County is one of "only 10 state, local and tribal government entities to be selected for the Federal Aviation Administration's Unmanned Aircraft Systems Integration Pilot Program." According to Lee County Mosquito Control District Public Information Officer Eric Jackson, the county has been "getting a lot of media requests" and has been "inundated with drone operators that want jobs." Jackson added that the district "relies heavily on aerial operations" to control mosquito populations.

POLICY NEWS - FEDERAL

WTO Ruling "Adds To" Tension Between Airbus, Boeing.

Bloomberg News (5/16) reports in a video that The Boeing Company has won a World Trade Organization (WTO) case against Airbus and the European Union. The decision "adds to the tension between two parties already at odds" due to the Trump administration's decision to withdraw from the Iranian nuclear deal, jeopardizing aircraft orders worth billions of dollars.

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AVIATION

FAA Orders Faster Inspection Of Boeing 737 Engines.

USA Today (5/16, Jansen) reports that the FAA ordered faster inspections of Boeing 737 aircraft engines Wednesday in order to "ensure that the oldest fan blades in about 5,400 engines are inspected by June 30." In a statement, the FAA said that it is "acting to ensure an extra measure of safety for fan blade performance in CFM56 engines." This follows a fatal accident aboard an April Southwest Airlines flight linked to one of the engines. The FAA order conforms to a CFM International directive published last week calling for airlines to "hasten inspections for engines with more than 20,000 flights." In a statement, GE Aviation said that more than 77,000 engine fan blades have been inspected following the incident. Each engine has 24 blades, meaning that "about 3,200 engines or more than 1,600

planes have been inspected." The FAA has estimated that around 3,716 engines needed to be inspected on US aircraft, but globally "330,000 blades on 13,750 planes will be inspected, according to the manufacturer." The inspections are estimated to cost US airlines a total of \$631,720.

Bloomberg News (5/16, Levin, Clough, Schlangstein) reports that the FAA's new directive to CFM56-7B engine operators was "based on findings in the investigation and a review by the manufacturer, according to a notice set to be published in the Federal Register Thursday." While Southwest has completed its inspection on affected engines in its fleet, the carrier sent "several dozen" blades, including "some with coating anomalies, to GE for additional testing."

Southwest Completes Engine Fan Blade Inspection. Bloomberg News reports that Southwest has sent some of its engine fan blades to CFM International for additional inspection, although the "carrier's own review found no faults like the one that caused a blade to crack in flight, leading to a passenger's death last month." At the airline's 25th annual meeting Wednesday, Southwest CEO Gary Kelly announced the carrier's "findings have been zero, which is obviously good news." After the meeting, Kelly told reporters that the company has sent "several dozen" blades to GE for additional testing, adding that he does not expect GE to find additional problems. GE's "inspection protocol will identify a crack before it gets to the failure stage," Kelly explained. Southwest uses ultrasonic tests to detect cracks, but GE also can conduct electromagnetic inspections. According to GE COO Mike Van de Ven, some of the blades sent back had coating anomalies, and were flagged for additional review "out of an abundance of caution."

US Marine Corps' First CH-53K King Stallion Delivered.

CNBC (5/16, Macias) reports that the US Marine Corps received the "most powerful helicopter ever fielded" by the service at Marine Corps Air Station New River in Jacksonville, North Carolina on Wednesday. The King Stallion eventually will replace the Marines' "nearly 40-year-old CH-53E Super Stallion fleet," and can carry triple the "weight of its predecessor at a colossal 27,000 pounds." The delivery was the first of an expected 200 aircraft from Lockheed Martin's Sikorsky unit. According to Marine Corps Deputy Commandant for Aviation Lt. Gen. Steven Rudder, the Marines will test the helicopter in preparation for declaring it ready for deployment by the end of next year.

Boeing 747s Rebound With Increase In Air Cargo Demand.

Bloomberg Business (5/16) reports that interest in Boeing 747s is rebounding, particularly in "used 747s originally built as freighters, since they have hinged noses that flip open to load oversize cargo such as oil-drilling equipment." Customers also are beginning to express interest in "cargo-haulers converted from passenger jumbos, which are heavier and can load only via doors carved into the side." UPS has "negotiated a freighter order that will keep Boeing's 747-8 assembly line open into the next decade." In addition, Atlas Air has "started lining up 747-400 freighters for customers such as DHL Worldwide Express." Air cargo demand is expected to increase from four percent to five percent this year, which "bodes well for all-new Boeing freighters, as well as for the used models."

Airbus Helicopters Cites "Success" Of Corporate Helicopter Division.

FlightGlobal (5/16, Perry) reports that Airbus Helicopters believes that its decision to launch a "dedicated business aviation operation...has already begun paying dividends." Airbus Commercial Aircraft first made a similar change, prompting Airbus Corporate Helicopters (ACH) to be unveiled in May 2017. According to Airbus Helicopters CEO Frederic Lemos, "One year after the launch of Airbus Corporate Helicopters we can say it was a success." Lemos

added that the new division is "grabbing market share from the competition, particularly in the light-twin segment." In 2017, ACH "had a claimed 70% share of the market for corporate or VIP-roled turbine helicopters over 1.3t maximum take-off weight." Lemos called 2018 a "very important year" due to the ACH160, which he called a "game-changer in the small medium category."

Britain Expects F-35 Deliveries To Begin In June.

The Press Association (UK) (5/16) reports that Britain expects its first F-35 fighters to arrive in the United Kingdom (UK) next month. British Defence Secretary Gavin Williamson "confirmed the imminent arrival" of the aircraft during an event commemorating the 75th anniversary of the World War II "Dambusters raid." Four of the aircraft are due to be delivered from the US next month, and "will do so with between 12 and 15 air-to-air refuelling serials per jet." The aircraft will be delivered two months ahead of schedule, allowing for additional training "before declaring initial operational service" for the fighters later this year.

Flybe Calls Bombardier Q400 "Best Core Aircraft" For Its Fleet.

Reuters (5/16) reports that Flybe has concluded that Bombardier's Q400 turboprop is the best core aircraft for its current and future fleet needs, and is likely to remain the bulk of Flybe's fleet for the foreseeable future. Flybe is in the process of reducing its fleet from 85 aircraft as of May 2017 to a target of 70 aircraft by 2020, and has handed back all nine Embraer 195 jets operated by the carrier. An additional order for four Embraer E175s will be delivered in 2019, but Flybe does not anticipate any additional aircraft orders in the near future.

Southwest Seeks Overseas Expansion.

CNBC (5/16, Josephs) reports that Southwest Airlines is looking to service additional destinations outside the US, including destinations in South America. According to Southwest CEO Gary Kelly, 96 percent of the carrier's flights are domestic, and Southwest serves 14 international destinations. Kelly said there are as many as 50 other destinations in North and South America that Southwest could serve. He also said that these will not be added "all next year," and that the process "may take us 25 years." An expansion to South America could follow similar network growth to the region by competitors like Spirit and JetBlue, and possibly put it in competition with large U.S. airlines like Delta, United and American.

SPACE

OneSpace Successfully Launches First Private Chinese Rocket.

CNN Money (5/16, Toh, Wang) reports that Beijing-based startup OneSpace "on Thursday became the country's first private company to launch its own rocket." The startup's OS-X rocket successfully launched from a facility in northwestern China as part of a mission to "collect data for a research project it is working on with the Aviation Industry Corporation of China, a state-owned company." Hong Kong University of Science and Technology Professor of Aerospace Engineering Xin Zhang doubts that the rocket was entirely developed by OneSpace. The company's CEO, Shu Chang, has stated that the rocket was developed and built in only three years, but according to Zhang, "that's supersonic speed." Zhang added that with OneSpace having raised only \$78 million, such a feat would have

been "difficult unless they cut corners." OneSpace has claimed it "lowered costs in part by using a specially designed electrical system that weighs 10 times less than those typically used in other rockets."

ISS Astronauts Service Coolant Pumps "Leaky" And "Frosty."

The AP (5/16, Dunn) reports that NASA astronauts Drew Feustel and Ricky Arnold "swapped the positions of two spare ammonia pumps" that are part of the "critical cooling system" for the ISS. One pump "got too cold because of a power shutdown 17 years ago and is called Frosty," and NASA flight controllers plan to perform tests in the coming days to assess whether the pump still works. The other pump, a "failed unit dubbed Leaky, spewed out ammonia five years ago." Leaky was moved to a long-term storage platform, while Frosty "took Leaky's spot on a robot-arm mechanism." A new spare pump was delivered to the ISS last month. During the spacewalk, NASA Flight Controller Alex Apyan explained that the agency has "been doing a ton of work to play musical chairs with all these (pumps) so we can have good available spares." Feustel and Arnold also installed a "new camera and communication device," and completed additional tasks.

CBS News (5/16, Harwood) reports that the units are designed to pump coolant "through solar array batteries to keep them from overheating." Because the ISS uses eight of the units to cool its solar array batteries, NASA "wants two operational spares available at all times and engineers want to find out whether Frosty is, in fact, operational."

SpaceX Sets Targets For Next Falcon 9 Launches.

Spaceflight Now (5/16, Clark) reports that SpaceX has delayed the launch of five Iridium "message relay satellites and a pair of U.S.-German orbiting geophysics probes" on a Falcon 9 rocket from California three days to May 22, while a "week-long schedule slip to May 31 is expected for the next SpaceX flight from Cape Canaveral with an SES communications payload." According to Iridium CEO Matt Desch, the delay for the launch from Vandenberg Air Force Base will allow SpaceX to resolve an issue with the Falcon 9's preparation. Desch called the problem a "minor processing issue" with a Falcon 9 component, adding that it is "not a big deal."

UK Considering Veto Of ESA's New Galileo Contract Tenders.

Bloomberg News (5/16, Morales) reports that the United Kingdom (UK) is considering vetoing the "release of new contract tenders for the European Union's [EU] Galileo satellite navigation system" if the EU does not relax its stance on "restricting Britain's access to the program after Brexit, two officials familiar with the matter said." ESA officials want to bring forward bids for \$471 million in contracts to "design and develop the next set of satellites for the program." The tenders were officially planned for next year, but a vote on issuing them could be held "as soon as a European Space Agency meeting in mid-June, but the decision needs to be unanimous, giving the UK a veto." Britain wishes to remain in the project after its exit from the EU, and believes that access to Galileo "would be a test of how good the future security relationship could be."

Virginia-Based Aireon To Offer Satellite-Based Commercial Air Traffic Control Services In 2019.

Bloomberg News (5/16) reports that McLean, Virginia-based Aireon is developing a satellite-based tracking system and is planning to offer commercial air traffic control services in 2019. Aireon's technology will allow for "better-

optimized flight paths, saving fuel and time while reducing separation between aircraft," which would enable more flights "in crowded areas such as the North Atlantic." UK-based NATS, which provides Britain's air traffic control service, is buying a 10 percent stake in Aireon. Aireon CEO Don Thoma said in a news conference on Wednesday that the FAA will start testing Aireon systems later this year.

Shotwell Explains "What It's Like Working For Elon Musk."

CNBC (5/16) profiles the working relationship between SpaceX President and Chief Operating Officer Gwynne Shotwell and CEO Elon Musk. Shotwell joined SpaceX as an engineer in 2002, and was the company's seventh employee. Shotwell said, "I love working for Elon." She added that she has "been doing it for 16 years this year, actually." Shotwell sees her job as taking Musk's grand "ideas and kind of turn them into company goals, make them achievable," pushing SpaceX toward a comfortable space. Shotwell added that Musk, in contrast, seeks to "push again and put us back on that slope."

NASA Cubesats Transmit Their First Image Of Earth, Moon.

SPACE (5/16) reports that one of NASA's Mars Cube One (MarCO) cubesats, "launched toward the Red Planet along with the agency's InSight lander on May 5, took a photo on May 9 to help confirm that its high-gain antenna had deployed properly." The antenna can be seen in the photo, as can the moon and Earth, the "latter of which appears as a pale blue dot, just as it did in a famous photo taken by NASA's Voyager 1 probe in 1990." In a statement, MarCO Chief Engineer Andy Klesh of NASA's Jet Propulsion Laboratory (JPL) called the image "our homage to Voyager," adding that cubesats have "never gone this far into space before, so it's a big milestone. Both our cubesats are healthy and functioning properly. We're looking forward to seeing them travel even farther." The cubesats will conduct a "demonstration mission" to show the spacecraft's utility on deep-space exploration missions, and also will test technologies "including a propulsion system that uses the same cold, compressed gas commonly found in fire extinguishers."

USA Today (5/16) includes video in its coverage.

MANUFACTURING

FACC Expects Automation, Outsourcing To Improve Earnings.

Reuters (5/16, Knolle) reports that Austrian aviation parts supplier FACC said Wednesday that it expects to improve its earnings significantly this year by expanding automation and by outsourcing the production of some of its parts. The Chinese-owned company doubled net profit to \$447 million in the year ending this past February. In its annual report, FACC stated that "initiatives to increase the level of automation and productivity and to outsource the production of simple composite parts to the supply chain will continue (in 2018/19)." FACC is targeting single-digit percentage sales growth for the year, and expects to supply parts for an expanded short-haul aircraft market. The company also is working "on developing surfaces able to adjust to changing conditions, such as pressure and suction in different phases of a flight, to meet future needs."

STEM EDUCATION

NEA Chairman And Smithsonian Secretary Argue For Integrated Education.

David Skorton, secretary of the Smithsonian Institution, and Jane Chu, chairman of the National Endowment for the Arts, write in USA Today (5/16), on "the future of work," arguing that there has been much attention paid to STEM fields, and "less emphasis on the intrinsic value of the arts and humanities." They argue, quoting Einstein, that "arts, sciences and humanities are all 'branches from the same tree,'" and support "broad educational experiences that integrate the STEM disciplines with the arts and humanities." They site a study from the National Academies of Sciences, Engineering, and Medicine that "offers compelling evidence that integration has a positive impact on the learning outcomes of students."

WEDNESDAY'S LEAD STORIES

- DHS Secretary Calls For Increased Authority Over UAVs.
- WTO Finds Airbus Subsidies Harmed Boeing Sales.
- Launch From Kodiak's Pacific Spaceport Complex Canceled.
- NAFTA Negotiations "Inch Ahead."
- North County Math Superbowl Held.

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The Aerospace States Association is an association of state lt. governors and state government officials fostering state aerospace growth and STEM workforce development. For more information, please see www.aerostates.org or contact GarelickBell@aerostates.org.

Aerospace States Association (ASA) | 107 South West Street, Suite 510 | Alexandria, VA 22314

From: Public Policy Law360
Sent: Friday, May 18, 2018 4:38 AM
To: Rep93
Subject: Senate Nearing Point Of No Return On Judicial Confirmations



Friday, May 18, 2018



TOP NEWS

Analysis

Senate Nearing Point Of No Return On Judicial Confirmations

President Donald Trump kept up the momentum this week in his push to reshape the federal courts by getting his 21st circuit court judge confirmed through a sharply divided Senate, but the effort to leave his stamp on the judiciary may permanently alter how the chamber confirms judges — and how quickly. [Read more »](#)

Analysis

FDA Shames Anti-Generic Tactics, Putting Onus On Congress

The U.S. Food and Drug Administration on Thursday named and shamed drugmakers suspected of impeding lower-cost generics by withholding product samples, a splashy move that could jolt Congress into taking action. [Read more »](#)

EU Will Implement Tariffs On \$3B In US Goods

The European Union on Wednesday announced it will implement tariffs on more than \$3 billion of U.S. goods to retaliate against the Trump administration's recently



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Akin Gump
Baker McKenzie
BakerHostetler
Beck Redden
Bryan Cave
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enacted tariffs on imports of steel and aluminum. [Read more »](#)

EPA Floats Rollback Of Obama-Era Chemical Safety Regs

The U.S. Environmental Protection Agency on Thursday proposed rollbacks of several key provisions of an Obama-era chemical risk management rule as it fights a legal battle with environmental groups and a steelworkers' union over a delay of the rule to mull reconsideration bids from industry groups and several states. [Read more »](#)

Senate OKs 1st Female CIA Chief Despite Torture Concerns

President Donald Trump's choice to lead the CIA, Gina Haspel, cleared the Senate on Thursday despite opposition from a number of Democrats and Republicans over her record at the agency, including her oversight of so-called black sites and torture of terror suspects. [Read more »](#)

BANKING & SECURITIES

Calif., NY, Ore. Push On In Fiduciary Rule Case

The attorneys general of California, New York and Oregon showed on Wednesday that they aren't ready to give up the fight to save the U.S. Department of Labor's fiduciary rule, asking the full Fifth Circuit for permission to intervene in the case after a three-judge panel wouldn't let them. [Read more »](#)

ENERGY & ENVIRONMENTAL

FERC Tees Up Review Of Public Utility Regulatory Policies

The chairman of the Federal Energy Regulatory Commission announced Thursday that the commission will review its longstanding policies under the four-decade-old Public Utility Regulatory Policies Act, which

Cozen O'Connor
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COMPANIES
AARP Inc.
AT&T Inc.

directs utilities to buy electricity from small-scale producers. [Read more »](#)

Immigration Standoff Threatens Farm Bill Passage In House

Congress' long-simmering immigration debate boiled over Thursday, potentially upsetting the five-year reauthorization of many farm and food stamp programs in the House as conservative members threatened to vote down the legislation. [Read more »](#)

Minn. Legislature Passes Bill To Greenlight Pipeline Project

The Minnesota House of Representatives on Thursday passed an amended piece of legislation that authorizes the company behind a pipeline replacement project to go ahead with construction, according to legislative records. [Read more »](#)

MEDIA & ENTERTAINMENT

NCAA May Change Gambling-Related Rules

The National Collegiate Athletic Association on Thursday said it is suspending its ban on championship games in states that allow sports betting and that it may consider permanent rule changes in response to the U.S. Supreme Court's Monday sports gambling ruling. [Read more »](#)

Conservative Blogger Defeats Fees But Not Ethics Fine Suit

A Texas appellate court on Thursday held that a conservative activist and blogger who was fighting a \$10,000 fine from the Texas Ethics Commission for failing to register as a lobbyist cannot use a state free speech law to dismiss his own administrative appeal of the fine [Read more »](#)

REAL ESTATE

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Amazon.com Inc.
American Bar Association
American Council of Life Insurers
American Gaming Association
Apollo Global Management LLC
Apple Inc.
Association for Accessible Medicines
Charter Communications Inc.
Comcast Corporation
DePuy Synthes Cos.
Emerson Electric Co.
Enbridge
Facebook
Google Inc.
HomeAway Inc.
International Centre for Settlement of Investment Disputes
Intuit Inc.
Johnson & Johnson
LM Ericsson Telephone Company
Major Lindsey & Africa
Marathon Petroleum Corp.
Mylan NV
National Collegiate Athletic Association
National Congress of American Indians
National Federation of Independent Business
National Immigration Law Center
National Right to Work Legal Defense Foundation
National Telephone Cooperative Association
Netflix Inc.
New York Immigration Coalition